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OMBUDSMAN

British Columbia

annual report

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Ombudsman

Legislative Assembly
Province of British Columbia

May 30, 2005

The Honourable Claude Richmond
Speaker of the Legislative Assembly
Parliament Building, Room 207
Victoria, BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the Office of the Ombudsman's Annual Report 2004. This report covers the period from January 1 to December 31, 2004.

The report was prepared in accordance with section 31(1) of the *Ombudsman Act*.

Yours truly,

Howard Kushner

Howard Kushner
Ombudsman
Province of British Columbia

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from the ombudsman

In 2004, the British Columbia Office of the Ombudsman celebrated its twenty-fifth anniversary. It was in October 1979 that our office first opened its doors to the public (in both Vancouver and Victoria) and began to receive complaints about administrative unfairness. Twenty-five years later, the office is still actively receiving and investigating complaints.

To mark the occasion, on October 1, 2004, the office held a small afternoon tea for the staff. It was a simple affair in keeping both with our diminished resources and our quiet, professional approach to complaint resolution. Our anniversary was an occasion to reflect on the role of the office in the twenty-first century.

The office's most obvious role, and to many perhaps its primary role, is that of complaint investigator. As I wrote in my first annual report in 1999, the Ombudsman is an independent, impartial investigator of complaints of administrative unfairness.

In 2004, we received in excess of 8,500 complaints and enquiries and closed more than 1,600 investigative files. Our intake staff handles the majority of complaints and enquiries, generally by providing additional information or by identifying an appropriate complaint resolution process to pursue.

As an "office of last resort," we encourage and expect complainants to use existing complaint resolution procedures and to provide an opportunity for the appropriate authority to address and resolve the complaint first before approaching our office. We have encouraged authorities to develop appropriate complaint resolution processes. In 2001, our office issued Public Report No. 40, *Developing an Internal Complaint Mechanism*, to provide some guidelines for authorities. The response to this report has been very positive, and a number of authorities have used the report when developing their internal complaint processes.

The types of complaints handled by an ombudsman office are many and varied, from the ordinary to the exceptional. The Case Summaries part of this report highlights some of the investigations carried out by this office. Although, it may appear that the matter being investigated involves relatively minor issues for the authority, it is generally a serious matter for the complainant. In a recent speech by Ann Abraham, the Parliamentary Ombudsman for the United Kingdom, she observed (referring to an Australian comment) that the activities of ombudsman offices are more "fly swatting and only rarely lion hunting."

The complaints that come into our office are rarely the large "front-page-headline" scandals. Instead, the complaints are reflective of the day-to-day activities of the bureaucracy and of the bureaucracy's failure, in a particular instance, or of the system generally,

to appreciate the impact of the action or actions on the individual and to appreciate the questions of administrative fairness raised by those actions. For example, the largest number of complaints investigated were either issues of unreasonable delay (about 20%) or unfair/unreasonable procedure (about 21%). A more detailed explanation of "unreasonable delay" and "unfair/unreasonable procedure" can be found in our Public Report No. 42, *Code of Administrative Justice 2003*.

The majority of complaints reflect the failure of the process to provide administrative fairness in a particular case and not the larger failure of the system. However, about nine per cent of the matters investigated in 2004 resulted in a change to the policies, practices, or regulations of the authority. That is, an investigation, even if it is focused on one specific case or instance, may identify changes or improvements to practices or policies that will prevent the issue from arising in the future.

Further, while not all investigations support the merits of a complaint, about 50 per cent of the cases identified some aspect of unfairness, a percentage that has been gradually increasing over the past six years. This suggests that while the number of complaints may be decreasing, the complaints we investigate are more likely to involve unfairness.

A second role of the office is to act as a warning mechanism, or as a watchdog. The Ombudsman is not merely a complaint investigator but serves the role of aiding the democratic principles of openness, transparency and accountability, and ensures that these principles are respected. It is a sign of a mature democracy when government is prepared to both fund and support (by being prepared to accept and implement our recommendations) offices such as the Ombudsman, the Auditor General, the Information and Privacy Commissioner and the Police Complaint Commissioner. In turn, these offices serve to increase public confidence in the democratic process and reduce public cynicism.

There are times when an authority may not be prepared to accept a recommendation from this office. I am pleased to report that over the past six years it has been an extremely rare occurrence for an authority to refuse to accept and implement our recommendations. No provincial-level authority, which includes ministries, crown corporations and crown boards, has refused to accept a recommendation from this office. The three refusals that this office received from 1999 to 2004 were all at the local government level.

In 2004, the City of Surrey refused to accept our recommendation to reimburse a business owner for a broken glass door caused by the actions of a city maintenance worker while trimming weeds. In our Special Report No. 25, *Broken Glass, Broken Trust*, we outlined the circumstances of the case, why we believed that the city was acting unfairly and ultimately, the city's unwillingness to be held accountable for the damage it had caused. Although the amount involved was small ($370.16), the principle of accountability, not only from a legal perspective but also from a fairness perspective, was very important. The failure to accept responsibility and be accountable reflects poorly on the city and may well increase the public's cynicism towards government and politicians. The city's persistent response of "no legal liability" reflects its failure to truly understand and accept the role of the Ombudsman, which is to ensure the democratic principles of openness and accountability.

For some acts of administrative unfairness, there is no legal remedy. This is one of the primary reasons that motivates responsible governments to create and support an "Office of the Ombudsman." When a government or professional authority causes injury or damage and is not prepared to be accountable for that injury or damage, the citizen needs access to the Ombudsman and the opportunity for an independent, impartial review. The Ombudsman's Office investigates, makes decisions on issues of fairness, and recommendations on appropriate redress. Authorities should be prepared to respect the Ombudsman's recommendations.

Over the past two years, 2003 and 2004, budgetary reductions have caused us, regrettably, to limit our investigations of complaints about local governments and professional associations. In 2004, we introduced the concept of a "holding queue" for complaints about schools and school districts, hospitals and health authorities, and colleges and universities. Investigations of complaints respecting these authorities were delayed by three to six months.

I am pleased to report that the Select Standing Committee on Finance and Government Services has recommended that our budget for fiscal 2005/2006 be increased to permit hiring two additional investigators. With these two additional positions, I expect the holding queue on educational and health authorities will be eliminated in early 2005. Complaints about these authorities will be dealt with once again in the same fashion as complaints about provincial government ministries, crown corporations and crown boards.

Further, I believe that the additional resources will allow us to create a holding queue for complaints about local government and professional associations, thus allowing us to once again exercise our jurisdiction over all the authorities named in the Schedule to our *Act*, although investigations will be somewhat delayed. The willingness of the committee, and in turn the Legislature, to provide additional funding for our office is a positive sign of support for the role of the Ombudsman.

Over the past five years, the number of complaints and enquiries coming into our office has been decreasing. For example, in 2003 our total intake was 9,855; in 2004, it was 8,563. The most dramatic decline is in the number of enquiries handled by our intake team (a decrease of 742). The number of files assigned to investigators was down by approximately 284 (2,031 in 2003 and 1,747 in 2004). In addition, 50 files were in the holding queue waiting to be assigned to investigators at the end of 2004 and 180 local government or professional association complaints had been declined for investigation due to limited resources.

Although the total number of complaints coming in the door is down, the number of investigations conducted has remained nearly constant. The workload of individual investigators is increasing because the number of investigators has decreased from 20 FTEs in 2003 to 14.6 FTEs in 2004.

In addition to our reduced fiscal and staff resources, two other matters continue to cause me concern. The first is the level of public awareness about the office and its role. It is difficult to judge the level of awareness of the Ombudsman's Office in the general public. We know from a public opinion survey we conducted in 2003 that there was a high level of name recognition but only about 20 per cent of the people surveyed actually knew what the office does.

We have taken a number of steps to try to increase public awareness of the office. In partnership with the Knowledge Network, we produced three, five-minute videos about the

office. Two of the videos are about actual investigations conducted by the office; the third video is a general explanation of the work of the office. These videos were shown on the Knowledge Network over a six-month period in 2004. In addition, the videos can be viewed from our website (www.ombudsman.bc.ca). We have also produced curriculum material about our office for Social Studies 11 and Law 12 to be used in conjunction with the videos.

In 2004, I continued my practice of annually visiting a different area of the province to raise awareness of the office. Along with two staff, I visited the northwestern part of BC, travelling from Prince Rupert through Terrace, Smithers, Houston and Burns Lake to Vanderhoof. In each of these locations, we set up a mini-intake office to allow people to attend in person to file a complaint. I met with representatives of various authorities (provincial ministries, local governments, school districts, health authorities, and universities and colleges) to explain the operation of the office. I held interviews with the local media (print, radio and TV) and spoke with representatives of the Chamber of Commerce. These provincial tours provide a valuable opportunity to raise public awareness about the office. As in the past, the communities we visited treated us extremely well, and I wish to thank them for their hospitality and kindness.

Another innovation that our office has instituted is the establishment of a mobile intake in the Lower Mainland area. As the saying goes, "necessity is the mother of invention." As a cost-savings measure, we closed public access to our Vancouver office in 2004, which raised concerns about how we would serve the residents of the Lower Mainland. Although we are accessible by telephone (1-800-567-3247), fax (250-387-0198) and the Internet (www.ombudsman. bc.ca), I still felt the office needed to be accessible for in-person visits. Accordingly, we created a mobile intake that travels to Abbotsford, Burnaby, Port Coquitlam, Surrey, Richmond and the North Shore on a six-week rotation (dates and locations are on our website or can be obtained by calling our toll-free number). Mobile intake dates and locations are also advertised in local community papers.

This initiative has been very successful. In 2004, more people came to the mobile intake sites than had previously attended our Vancouver office in 2003. I am pleased that the Select Standing Committee on Finance and Government Services has supported this initiative and provided specific additional funding in 2005 to allow us to continue to provide this service.

The second area of concern arises out of the change in the delivery of government services. In the 1970s, when ombudsman offices were being established across Canada, government services and the exercise of government's powers were generally carried out directly by government through its ministries, boards, commissions or corporations. All of these entities were and continue to be directly under the jurisdiction of the Ombudsman. More recently, however, government has undergone restructuring and services previously provided by the government agencies under the jurisdiction of the Ombudsman are now being provided through contract by non-government agencies or by new agencies created by statute to provide the service — for example, the Business Practices and Consumer Protection Authority and the Land Title and Survey Authority. I have sought assurances from the ministers responsible for these services that our office will continue to have jurisdiction to accept complaints and conduct investigations concerning unfair administrative actions,

policies, practices and decisions involving these services.

For the most part, I have been successful in obtaining such assurances – for example, from the Ministry of Health regarding the activities of Maximus BC (called Health Insurance BC) in relation to the Medical Services Plan (MSP) and PharmaCare, and from the Ministry of Provincial Revenue regarding the activities of EDS Advanced Solutions (called Revenue Services BC) for recovery of crown debts. I was also assured by an order-in-council adding the Business Practices and Consumer Protection Authority and the British Columbia Safety Authority as authorities under the Schedule to the *Ombudsman Act*. BC Ferries is the one major exception where a new entity was created and our office was statutorily denied jurisdiction.

Although successful on a case-by-case basis, it would be better if the *Ombudsman Act* itself were drafted in a way that automatically assures continued jurisdiction of our office for government services, regardless of the mode of delivery. In this way, the public would be guaranteed the ability to bring complaints to our office regarding all services for which government is responsible.

This last point identifies the need for a review of the *Ombudsman Act* to ensure that it continues to be relevant and applicable to the operations of government in the twenty-first century. In the 25 years since the *Act* was first drafted, much has changed in the way government operates, in the way citizens interact with government, and in the expectations of government. It is both timely and relevant that the *Ombudsman Act* be reviewed to determine if amendments are required to meet the challenges of the future.

By statute, the term of office for the Ombudsman is six years (in my case, June 1, 1999 to May 31, 2005). Looking back over the six years, I wish to express my appreciation to the citizens of BC and my staff. First, I want to thank the citizens of BC who, whenever I have had occasion to meet with them — in public meetings, through radio and TV, at educational seminars — have shown the utmost respect and support for the Office of the Ombudsman. Second, I want to thank the staff of the Office of the Ombudsman, a staff that has earned that respect and support through hard work and dedication.

It has been said that the most important role of the ombudsman institution is humanizing governments instead of governing human beings. I hope and trust that we have lived up to that role.

Howard Kushner
Ombudsman
Province of British Columbia

CASE SUMMARIES

INTRODUCTION

The case summaries reported here are a snapshot of the work conducted by this office. Each year, my staff and I select a number of cases for inclusion in the Annual Report. The cases are reviewed from a variety of perspectives with a goal of providing individual case examples that answer some or all of the following questions: Is this case a fair illustration of the work we do? Is there an important principle or issue involved? Is the outcome particularly significant? Is the story simple to tell? Will the reader understand the "fairness" issue involved? Is it interesting?

This year's report includes a number of cases involving the Workers' Compensation Board (WCB) and the Workers' Compensation Appeal Tribunal (WCAT). Over the past year, both WCB and WCAT have been willing to listen to our fairness concerns and accept our recommendations. They responded even when there was no "legal liability" and when appropriate policy had been followed, but a particular circumstance resulted in unfairness. In addition, the willingness of both WCB and WCAT to respond to systemic concerns about delay and implement changes to address those concerns is appreciated.

We continue to receive the most complaints and enquiries about the Ministry of Human Resources. As I have indicated in the past, this does not necessarily mean that the ministry is generally acting in an unfair manner; rather, this reflects the types and importance of decisions the ministry is making (issues of income assistance and support) and the number of people impacted on a day-to-day basis. The ministry has been responsive to our concerns, and I have included a number of cases involving the ministry to illustrate the nature of the complaints that have come forward over the past year.

We receive a number of complaints and enquiries from inmates in provincial correctional facilities. In many of these cases, we refer the complainant to the existing internal complaint procedures or to the Investigation, Inspection and Standards Office (IISO) at the Ministry of Attorney General, now called the Investigation and Standards Office (ISO). When we refer complainants to a review process, it is important that we are satisfied the process can appropriately address the concerns. Hence, in 2004, we concluded an Ombudsman-initiated investigation into both the internal complaint handling process and the ISO. The case summary on page 22 reports on our findings and our satisfaction with those processes.

Due to budget limitations, we were not routinely investigating new complaints against local governments and professional associations in 2004, but we did commit to finish any investigations started prior to the budget cuts. I have included a case summary on one such investigation involving the Registered Nurses Association and the fairness of its policy for registration of nurses trained in a province other than British Columbia.

Complainants are often referred to our office by an "authority" or by their Member of Parliament or their Member of the Legislative Assembly. Although our office only has the ability to investigate complaints about provincial matters, occasionally federal matters intersect with provincial issues. One of the complaints involving a college originally arose from a referral and complaint that included both provincial and federal matters (the RCMP's information referral system).

I have also included in the Case Summary section our final report from an investigation originally reported in 1999: Public Report No. 38, *Righting the Wrong: The Confinement of the Sons of Freedom Doukhobor Children*. In March 2002, we issued a progress report that stated that the primary outstanding issue was an apology from the government to the Sons of Freedom Doukhobor children who had been apprehended. Although no apology was given, in October 2004, the Attorney General issued a Statement of Regret in the legislature. This Annual Report contains some final comments on the issues raised in Public Report No. 38. Although our role in this matter has now ended, I have asked my staff to review the concept of an "apology" as a remedy and hope to issue a special report on that topic in 2005.

Number One

Medical Services Plan

No MSP coverage for pregnant mother

A woman contacted our office alleging that the Medical Services Plan (MSP) would not provide coverage for her pregnant daughter-in-law until Immigration Canada had processed her file. The complainant informed us that staff from Immigration Canada could not review the file in question until after the baby was born due to backlog issues. The complainant stated that MSP's inflexibility in not exercising discretion to provide immediate medical coverage for her daughter-in-law was unfair given the circumstances.

In response to this woman's complaint, the Administrative Review Officer informed us that MSP would add the complainant's daughter-in-law to her husband's MSP plan if she provided certain documentation (e.g., the code numbers from the landing fee stamp and a copy of her visitor's visa). According to the Administrative Review Officer, the information the complainant's daughter-in-law had submitted earlier to MSP was not sufficient for enrolling into her husband's MSP plan.

Once we shared this information with the daughter-in-law, the required information was faxed immediately to MSP. We subsequently advised the daughter-in-law that, as a result of the Administrative Review Officer's review of her documentation, she was not only enrolled into her husband's MSP plan but she would also receive retroactive coverage to the beginning of the month.

Number Two

Medical Services Plan

MSP premium subsidy

Mr M explained that the Medical Services Plan (MSP) had determined he was eligible for a 20 per cent premium subsidy. He said the subsidy was based on the net income reported on his 2003 income tax assessment. The complainant's income dropped significantly in 2004 and he believed his premium subsidy should be adjusted accordingly. He said he submitted documentation to MSP showing how his income had decreased but MSP refused to assess his eligibility for a greater subsidy based on that new information.

MSP advised that it was obligated under the *Medical and Health Care Services Regulation* to rely on the complainant's tax records from 2003 when assessing his current eligibility for premium assistance. It appeared MSP's interpretation and application of the relevant legislation was reasonable; however, we wondered whether the complainant might be eligible for another form of premium assistance.

The *Medical and Health Care Services Regulation* authorizes the temporary waiver or reduction of premiums in cases where a person is not able to pay the premiums because of financial hardship and could not reasonably have budgeted for the premium. The Ministry of Provincial Revenue administers the temporary premium assistance program. In the course of our enquiry into this matter, the Ministry of Provincial Revenue informed us that it had considered the complainant's change in circumstances and had approved a waiver of his premiums for the rest of the calendar year.

health

Number Three

Medical Services Plan

New MSP customer's cards sent twice to wrong address

Mr A filed a web-based complaint about the Medical Services Plan (MSP) after he received a demand for payment of premiums for medical coverage even though MSP had said his application for coverage had not been received. In August 2003, he had submitted an application to MSP after moving to BC and was told he would be enrolled after a three-month waiting period. When he had not received his cards by Christmas, he contacted MSP and was advised his application had not been received. Mr A submitted a new application immediately and was told he would have to wait a further three-month period. At the end of the second waiting period, Mr A had not received the cards. Mr A contacted MSP and was informed that the cards had indeed been sent out after each application was made, but were on both occasions sent to the wrong address, even though the correct address had been included on both application forms.

After receiving the notice from the collections department demanding payment for the period of time he had been waiting for his cards, Mr A paid the premiums and contacted the Ombudsman. We contacted MSP and credit was quickly provided for the period of time in question.

Number Four

PharmaCare

Waiting period waived for reimbursement to 90 year old

A man called on behalf of his 90-year-old mother in June after she had been told that an overpayment she made to PharmaCare could not be reimbursed until after the end of the year. The woman felt, considering her age, it was unfair to have to wait to recover the overpayment.

When PharmaCare became aware of the woman's age, they agreed to reimburse her immediately. PharmaCare advised that it was unfortunate that when she had called to request reimbursement the women had not been advised she could apply for early retroactive payment.

NUMBER FIVE

Vancouver Island Health Authority

Residency requirements waived for long-term care patient

Mr K complained about the residency requirements of the Vancouver Island Health Authority (VIHA) for obtaining subsidized placement of his 93-year-old mother in a long-term care facility. He explained that he and his wife had moved to British Columbia from Ontario several months previously. Since his mother had no other family members or friends left in Ontario, there was no choice but to move her too. He described his mother as requiring a secure long-term care home because of her dementia. Her only income, he said, was CPP and Old Age Security. VIHA told him that his mother would not qualify for any subsidies or be placed on a waiting list until she had resided in BC for a year. The complainant believed the residency requirement was unfair because as a pensioner himself, it was difficult for him to help pay the cost of a private facility.

After we contacted VIHA about this matter, the Director of Risk Management told us that according to the records, there had been only an informal enquiry from the complainant about the requirements of the program in this province. He said that staff did not interpret this as a formal request for waiving the residency requirement. The Director arranged to have someone contact the complainant for more information about the mother's situation and to make arrangements for an assessment of her condition. Subsequently, a facility liaison person from VIHA assessed the complainant's mother as requiring care, approved the application for waiver of the residency requirement, and placed the mother on a waiting list for a facility.

health

NUMBER SIX

Vancouver Island Health Authority

Medical certificate requirements for admission and detention at a Mental Health Facility

The *Mental Health Act* authorizes the Director of a mental health facility to admit a person to the facility and detain the person for examination and treatment if a medical certificate has been completed by a physician. The medical certificate must, among other things, state the physician's opinion that the person has a mental disorder, requires treatment at a designated mental health facility, requires care and supervision in order to prevent substantial mental or physical deterioration, and cannot be suitably admitted as a voluntary patient. The detention and treatment of the person may continue only if a physician renews the medical certificate at prescribed intervals. The extraordinary authority to detain and treat a person despite the expressed objections of the person must be accompanied by appropriate procedural safeguards and it is imperative that procedures intended to safeguard the patient are meticulously observed.

Our investigation of Ms C's complaint began quite some time after Ms C was released on an extended leave from a Mental Health Facility. She complained that no medical certificate had been completed prior to her involuntary admission and detention at the facility.

Following our initial review of the matter, it appeared the appropriate certificate had been completed prior to the complainant's involuntary admission to the facility. However, it was unclear whether the certificate was properly renewed while the complainant was on extended leave from the facility.

If the Director of a Mental Health Facility believes that an involuntary patient would benefit from a period of leave from the facility and that appropriate community supports are available, the Director may authorize the conditional release of the patient. Often the conditions of the release will require the patient to follow a treatment plan, live at a particular residence, and report to a mental health worker. While a patient is on leave, the authority for the patient's detention continues and must be renewed as if the patient were detained in a facility. It appeared the authority to detain the complainant might not have been renewed, at least not in the prescribed manner.

While our complainant was on leave, she exercised the right of all involuntary patients to request an independent review of her detention and treatment. On two occasions, her appeals were heard by independent review panels and, in each case, the review panels concluded that she was in need of continued detention. The health authority maintained that the review panel decisions constituted renewal of the authority to detain the patient and there was no need for the Director or a physician authorized by the Director to conduct the periodic reviews that otherwise would have been required under the *Mental Health Act*.

It was probable that the Director or a physician authorized by the Director would have come to the same conclusions as the review panels regarding our complainant's need for continued detention and treatment. However, after consulting with health law experts and others, we were not persuaded that it was appropriate for the health authority to rely on the review panel decisions

in place of the prescribed process for renewing the authority to detain patients.

Following consultation with this office, the health authority agreed to review its policies regarding the process for renewing authority to detain a person under the *Mental Health Act*. Once that review was completed, the health authority developed a draft policy and provided a copy to my office. The draft policy appeared to be quite detailed and it included a section dealing specifically with the renewal of the authority to detain individuals who are on extended leave. It appeared the draft policy, once implemented, would help to ensure that the health authority met its obligations under the *Mental Health Act*. Under the circumstances, we chose not to proceed with further investigation of the complaint.

Number One

Ministry of Children and Family Development

Claw back of Child Tax Benefit while children are in care

The Ombudsman has received numerous complaints from parents about the claw back of Child Tax Benefit money that parents had received while their children were in care. The complainants said no one informed them they were no longer eligible to receive the Child Tax Benefit. By the time the federal agency became aware that their children were in care, many parents owed a significant amount of money. Repayment caused hardship in many cases. In addition, complainants said they were not aware it was their responsibility to request reinstatement of the federal Child Tax Benefit once their children returned to their care.

We found that the way ministry staff informed parents about the Child Tax Benefit varied significantly. The Ombudsman initiated his own investigation when it became apparent that the ministry wasn't providing written notification to parents about their responsibilities regarding the receipt of the benefit during the period when their children were in ministry care or when their children were later returned.

In response to our investigation, the ministry implemented a process where parents receive written notification about receipt of the Child Tax Benefit and BC Family Bonus when children come into care. The ministry also implemented a process where parents were advised of the need to apply for reinstatement of these benefits at the time their children were returned to their care. In addition, the ministry now informs the federal government within seven days after children come into care, thus avoiding the payment of benefits in error. The Ombudsman was satisfied with the ministry's response to our concerns.

Number Two

Ministry of Children and Family Development

Financial responsibility for youth in need of protection

Ms D agreed to care for a youth who was deemed in need of protection by the ministry. With the knowledge of the ministry, Ms D entered into an agreement with the youth's mother in which the mother would provide a monthly payment to Ms D. After some time, Ms D contacted the ministry to advise that the mother had not complied with the agreement and she required financial support to continue to care for the youth. After a further period, Ms D contacted the ministry again. This time, the youth was taken into care and Ms D entered into a restricted foster home contract with the ministry. Ms D asked the ministry to provide her with some support for the period during which she received no assistance from the youth's mother or the ministry. The ministry refused, taking the position that they had no responsibility because the arrangement was between private individuals.

Our office entered into discussion and correspondence with the ministry regarding the matter. We asked the ministry to reconsider, having regard to its access to information about all of the parties, the appearance that it had a role in facilitating the private arrangement, and its acknowledgement that the youth was in need of protection at the time the arrangement was made. The ministry subsequently agreed to offer a payment equivalent to the amount the youth's mother had agreed to pay Ms D.

Number Three

Ministry of Children and Family Development

Financial support for care of youth

Ms V and her agent contacted our office after their attempts to obtain financial support for the care of a youth had failed. A "Kith and Kin" agreement had been entered into between the Ministry of Children and Family Development and a family friend. The family friend moved into a suite in Ms V's home and subsequently left the youth in Ms V's care when she moved out. Ms V, her agent, and the youth's mother requested financial assistance for the woman from the ministry.

Ms V indicated that the ministry simply did not respond to the requests and she was accumulating debt in order to care for the youth.

Our office asked the ministry to respond to Ms V's request. The ministry subsequently agreed to provide Ms V with payment for the period of time when the youth was in her care. The ministry wrote to Ms V confirming that payment would be made and apologizing for the delay in providing assistance to her.

Number Four

Ministry of Human Resources

Reasons required for overpayment debt

Mr G explained he received a billing notice in 2003 regarding a debt owing to the Ministry of Human Resources. The notice said only that the debt related to an overpayment, which was made to the complainant in 1999. The complainant said that when he contacted the ministry to enquire about the debt and to request copies of relevant documentation, he was told the onus was on him to demonstrate that the debt was not payable. The complainant believed it was unreasonable to place that onus on him without providing documentation or any clear explanation about how the debt was incurred.

The ministry provided this office with an explanation of how the complainant's debt was incurred and we shared that information with the complainant. The complainant's debt to the ministry was relatively small and the reasons why it was payable were straightforward. Nevertheless, we questioned whether it was reasonable to expect that four years after the debt was incurred, the complainant would still have a clear understanding regarding the reasons the debt was payable. Therefore, we discussed with the ministry the possibility it might provide greater detail to debtors regarding the manner in which their debts were incurred.

In the course of our consultation, the ministry advised that if debtors requested an explanation, the ministry would provide a written explanation of their debts as well as copies of relevant documentation. The ministry subsequently agreed to amend a standard collection letter to ensure that debtors were aware of the option to request written explanations of their debts.

Number Five

Ministry of Human Resources

Request for childcare subsidy denied

Mr W contacted us after his request for a childcare subsidy was denied by the Ministry of Human Resources. He told us that ministry staff did not advise him to request a reconsideration of the decision. When he became aware that he could, he submitted a request but his request was denied because he did not meet the time limitations.

After we discussed Mr W's concerns with the manager who originally determined that his request for reconsideration was not submitted within the required time frame, she reviewed the ministry's records. She subsequently confirmed that there was no substantive evidence on the ministry's records to confirm that Mr W had been informed about his right to have the decision reconsidered and the time limits associated with reconsideration. She then agreed to submit Mr W's request for adjudication. This response resolved the complaint.

Number Six

Ministry of Human Resources

Income assistance and serious health problems

Does the government provide a safety net when individuals on income assistance face serious health problems? This question arose for one young man who had suffered for many years from Type 1 diabetes. A frequent complication of diabetes is damage to eyesight that can result in blindness. The complainant, who lived in Kelowna, required immediate surgery in Vancouver to prevent further deterioration. Subsequently, the man had to travel to Vancouver on several occasions for treatments for complications from the surgery and follow-up. The surgery and treatments were not available in Kelowna.

The complainant did not qualify for the ministry's enhanced medical coverage, and the ministry therefore denied his request for coverage. However, the ministry has discretion to provide coverage where an individual who does not have enhanced medical coverage faces a "life-threatening" need. The question was whether he would qualify under this provision. Initially, the ministry took the position that the imminent risk of blindness did not qualify as a life-threatening need.

There was effectively no social safety net for a person in the complainant's very serious position. After further discussion, however, the ministry agreed that a life-threatening need could include conditions of this kind. The ministry explained that the "threat to life" need not be immediate, and could include a condition that is potentially life threatening if not treated. The ministry therefore covered the cost of the complainant's transportation to Vancouver for treatment. The ministry also provided clarification to regional staff of the intent behind this provision.

NUMBER SEVEN

Ministry of Human Resources

All childcare subsidy cheques should be issued

Ms H contacted our office to complain that her childcare subsidy was unfairly eliminated by the Ministry of Human Resources. The complainant explained that she had received a letter from the ministry stating she would not be receiving her subsidy even though she qualified for a monthly childcare subsidy of $39, because according to ministry policy, cheques for amounts less than $50 are not issued.

In response to Ms H's complaint to our office, the ministry advised us that, as a result of internal discussions, it decided to reverse its position. The Acting District Supervisor told us that, effective September 1, 2004, individuals qualifying for a monthly childcare subsidy would receive their entitlement irrespective of the subsidy amount. We advised the complainant to resubmit her application to the Child Care Subsidy Centre so that the ministry could begin issuing her monthly $39 childcare subsidy.

education

NUMBER ONE

Post Secondary College

Diving students denied certification

Mr K was one of several students who contacted us to complain that he did not receive the expected certification he needed to work in the industry after he completed a diving course. The students had paid several thousand dollars to train as surface-supplied divers in anticipation of the need for internationally recognized certification to work offshore (e.g., around oilrigs). The course materials were to be delivered by a private training school, but the course was offered in a partnership between that private school and a provincial college. The college advertised the course (with other courses offered in the partnership), collected the fees, registered the students, and took a fee from its private partner for administering the program.

The course materials had advertised eligibility for certification by the Diver Certification Board of Canada (DCBC), itself a new organization in the process of accrediting private schools. Regrettably, the private school experienced difficulties and ceased business before DCBC had issued accreditation. As a result, DCBC declined to certify the students, each of whom had paid over $10,000 and had completed the course.

The students who contacted our office wanted certification. They did not care whose "fault" this was, and simply felt that they had paid their money to, or at least through, a provincial college.

As the Ombudsman's Office, we could not investigate the actions of the private school, or of the national certification body based in the Maritimes. We explained that we could, and would, look at the college's role, and in particular whether it had acted reasonably and prudently in entering into the partnership, and acted reasonably and fairly towards the students once the problem arose.

As soon as we contacted the college, it was clear that the college was actively pursuing options to help the students achieve certification. Certification was not within the college's control, and proved difficult to influence. Over several weeks, the college looked for options that would allow the students to certify. The complainants were concerned by the passage of time, but from our perspective the college was working hard on a difficult and complex matter.

We closed our file on these complaints when the college offered the affected students a full fee refund, together with information on how, if they chose, the students could use those funds at an accredited school and achieve eligibility for DCBC certification. Some of the students were reluctant to accept this offer, knowing that they would have to commit more time to training, but in the end, all of the complainants accepted the college's offer. We did not complete a full investigation of this complaint because the students settled with the college. Our contact with the college suggests the college acted promptly and vigorously to assist its students and made full restitution of fees, including paying the monies received by its private partner. From a fairness perspective we were heartened that the college did not rely on a strict interpretation of its legal liability for this mishap, or seek refuge inside the limits of its insurance coverage. Instead, the college sought ways to assist its students.

NUMBER TWO

Post Secondary College

Historical note on police record foils graduation plans

Mr B was accepted into a training program at a college and was advised late in the program that he would not be permitted to take part in the compulsory practicum because of a notation made on a police record. We learned that the criminal record check sought by the college involved the RCMP's Police Information Retrieval System disclosing all information relating to the person whose record was being checked. This meant that non-convictions, including notes to file, as well as all charges, regardless of disposition, were provided to the person seeking the record check.

The college became aware of the notation when it conducted a pre-practicum criminal record check. The police note to file indicated that as a teenager the student had been a passenger in a car that was stopped by police. No charges were laid, but a note was placed on the RCMP file indicating that the event had occurred. When Mr B learned that this notation on his file resulted in his being unable to complete the college program he was enrolled in, he complained to the college.

The college advised Mr B to seek a pardon. He contacted our office, stating that he could not seek a pardon where a charge had not been laid.

We were advised that a college committee of four people reviewed the criminal record report and denied the student the opportunity to complete the practicum because the student did not have a "clean" record. We questioned the college's decision to deny Mr B the practicum opportunity based solely on an historical note made to a police file, especially when the college had accepted the student into the program in the first place. We also questioned the college's advice to the student that seeking a pardon was a solution when no charges had been laid and therefore no pardon could be sought. In response to the student's complaint to our office, the college agreed to review the decision to restrict the student's access to the required practicum. Upon review, the college stated that it would allow the student to complete the practicum and graduate from the program.

Correctional complaint handling processes

I initiated an investigation of the Corrections Branch's internal process for review of complaints about the administration of the *Corrections Act*. The "Rules," a regulation under the *Corrections Act*, prescribe a process for inmates of provincial correctional centres to complain about administrative decisions and procedures that aggrieve them. First, they can complain to the Director of the Correctional Centre. If the matter remains unaddressed, they can complain to the Investigation and Standards Office (ISO). A similar process exists for persons with a complaint arising from supervision on probation in the community.

For several years, my office has referred many complaints to the Correction Branch's internal complaint procedure and to ISO. In certain cases, where time was of the essence or where circumstances indicated that a referral would be inappropriate, we would open our own investigation.

The major focus of an Ombudsman-initiated file was to review the current complaint procedures, both in each Correctional Centre and in ISO, so that we can make appropriate decisions about referring complainants to that process and keep those cases where referral is not appropriate. We believe it is in everyone's interests to have strong internal complaint-review procedures. Such procedures have the best chance for speedy and effective response; offer the opportunity for an agency to learn from any errors and omissions; and allow the best chance for parties to work together to understand each other's interests and perceptions. On the other hand, our office would not want to be making inappropriate referrals to internal-complaint processes. To send an issue back to a process that cannot, or should not, deal with the issue is an invitation to heightened dissatisfaction and is a waste of everyone's time and energy. For these reasons, my office needs to make appropriate and timely referrals and focus on the complaints for which there is no appropriate referral.

Investigation of the complaint procedures in local Correctional Centres led to meetings with Corrections Branch staff. We discussed the administrative issues that affect timely processing of local complaints, and the variation in response time from one centre to the next. As well, we discussed our concern about inmates' allegations that complaints sometimes "disappear," resulting in complainants not receiving written responses, as required by the rules. When this happens, there is no assurance that the complaint even got to the appropriate local manager, let alone received attention.

Discussions between ISO and my staff were productive. We gained a clear understanding of current practices and developed a written referral letter for inmates (or probationers) explaining ISO's process and what to expect. The letter explains when it would be appropriate to contact the Ombudsman – for example, if ISO's process breaks down or does not lead to a mutual understanding.

We considered ISO's procedural guidelines for investigating complaints, and we made suggestions for additional guidance or training for staff and additional expectations for the conduct of investigations. ISO agreed to train its staff in the weighing of evidence and in decision writing. ISO agreed to include an expectation that a complainant is usually told if an investigation leads to a

recommendation for change in practice or policy. In the past, inmates did not receive this information, leading to situations where inmates thought their complaints were not taken seriously when, in fact, ISO had recommended change to the policy or practice in question.

ISO agreed to clarify its expectations for complaint investigation. It is always possible to look only at the facts of an individual complaint, and to consider whether the applicable rules and policy were applied properly to the facts of the case. A second level of investigation is to consider the policy or procedure underlying the complaint. ISO agreed to amend its protocol for investigations to clarify that staff are expected to consider not only the individual complaint but also the fairness of, the authority for, and the adequacy of the policy and practice underlying the complaint.

Clear and consistent internal complaint procedures are in everyone's interests. We believe that these changes in local practice in Correctional Centres, clearer expectations in ISO's internal process, and better referral information from our office, should strengthen both the procedures of the Corrections Branch and the service to inmates and others aggrieved by correctional decisions and procedures.

Number Two

Ministry of Attorney General

Fairness after wrongful imprisonment

A person complained, on behalf of his client, that the Ministry of Attorney General had unfairly refused to compensate his client for six days of wrongful imprisonment. The complainant was imprisoned as a result of a warrant issued on the basis of inaccurate information that the complainant had failed to appear in court. The inaccurate information arose from a mistake made by staff and was not the fault of the complainant.

After consultation with the ministry, the complainant was offered compensation for the period of wrongful imprisonment, which he accepted.

Number Three

Ministry of Attorney General

Mobile intake clinic assists senior citizen

People often feel it's no use to disagree when a government agency tells them that they have to follow a certain process. Sometimes, our office is able to advise and assist people in obtaining results they seek.

At one of our recent mobile intake clinics, a senior citizen came to us because she was told that the only way she could challenge a red-light camera ticket was to appear in court. Ms K believed this was unreasonable because she had clear evidence that a mistake had been made in issuing her ticket. Although she had submitted a dispute of the ticket, she asked us if there was anything that we could do to avoid going to court.

Ms K had been suffering from pneumonia and had not gone outside for weeks. When she was finally feeling well enough to drive, someone told her that her rear licence plate was missing. She immediately reported the theft of her licence plate to the police. A few weeks later, she received a ticket alleging that she was the owner of a car that had driven through a red light. The photograph on the red light camera ticket showed her licence plate attached to a late model, grey vehicle. Her white, 20-year-old car bore no resemblance to the vehicle in the photograph.

We learned that no one could cancel the ticket because she had commenced an appeal. However, at our request, officials with the Ministry of Attorney General did investigate this situation and confirmed Ms K's account of what had happened. We were advised that the ministry would be asking the Crown Counsel responsible for conducting the prosecution to stay the charges. She would not need to attend court on the scheduled date in order to have her ticket set aside.

Number Four

Ministry of Attorney General

Affidavit filing fees reviewed

While investigating another matter, our office learned that the Court Services Branch had charged a number of individuals a $31 fee to file affidavits in Provincial Court instead of the $15 fee. We opened an Ombudsman-initiated investigation into alleged inconsistencies in the fees charged by the branch.

When our office brought these inconsistencies to its attention, the branch took action to ensure that correct filing fees were being charged. The branch checked its records and identified 52 people who had overpaid to file their affidavits and provided rebates to these individuals. The branch committed to provide rebates to people who produced evidence that they had overpaid to file an affidavit in Provincial Court.

The Ombudsman remained concerned that people not identified in the branch's initial search would not know that they may have overpaid their filing fees. The Ombudsman asked the branch to conduct a review of a sample group from its registry to better determine how many individuals might have overpaid. The branch's sample review supported its position that the likelihood of widespread errors in the fees charged was remote.

NUMBER FIVE

Ministry of Attorney General

Unfair treatment of the Sons of Freedom Doukhobors

In 1998, a number of individuals who were children of Sons of Freedom Doukhobors contacted the Ombudsman's Office seeking an investigation into a decision by government more than 40 years earlier to take them from their parents and place them in an institution in New Denver, during the years 1953 to 1959. Many of the people who were institutionalized raised a number of concerns, including: loss of love, nurturing, guidance, and childhood; physical and psychological maltreatment; loss of civil liberties; loss of privacy, dignity, self-respect, and individuality; and poor living conditions. They informed us that they could not get on with their lives without dealing with their past experiences. They wanted an apology from the government for the way they were treated as children.

We heard the experiences of 43 people who had been placed in the institution, a former sanatorium. We conducted an extensive archival document search and concluded that the children in question had been treated unfairly. In 1999, the Ombudsman issued Public Report No. 38 *Righting the Wrong: The Confinement of the Sons of Freedom Doukhobor Children* that included recommendations to address the harm to a group of children resulting from confinement, the first being that government make an unconditional, clear and public apology to the complainants.

In March 2002, the Ombudsman issued a progress report on steps taken by government to respond to the recommendations reported in the Public Report No. 38. At that time, government had fully or partially implemented four out of five recommendations. Services were provided to assist former residents of New Denver. An explanation of why the children were apprehended was offered, along with government assistance to Sons of Freedom Doukhobor children to put their history into context.

An outstanding issue remained with regard to the apology. Although government had written with expression of regrets, our complainants wanted an unconditional apology, stated in the Legislative Assembly, as recommended by this office. We had discussions with government officials about such an apology and its importance to those who were wronged in the past.

On October 4, 2004, the Honourable Geoff Plant, Attorney General issued a statement of regret in the legislature to Sons of Freedom Doukhobor children who were removed from their parents in the 1950s to attend residential school in New Denver. In his statement, the Attorney General said,

> *We've recognized that a chapter in this province's history needs to be acknowledged. More than 50 years ago, 104 Sons of Freedom Doukhobor children were removed from their parents during a period of protest in the West Kootenays. In 1953, some 104 children were taken by bus to New Denver, where those of school age were kept in a residential care facility and those who were not of school age were returned to their families. Over the next six years, from 1953 to 1959, the government enforced a policy of mandatory school attendance. Approximately 200 children were placed in the New Denver institution during this period. No doubt the New Denver experience affected these children and their*

NUMBER FIVE CONTINUED . . .

families in profound ways. In many cases, these children were kept from their parents for extraordinary periods of time. Some children were not allowed to return home during the summer or at Christmas because of uncertainty that their parents would return them to New Denver.

This was not an easy story to hear, nor is it an easy story to tell. I commend all those who came forward after all these years to talk about what must be extremely personal and painful memories. Many of these people, we have since come to learn, have buried their past, and they even felt it necessary to hide their Sons of Freedom background and their association with New Denver from their friends, their neighbours and their employers.

We can't fully understand or explain the motives of a government of 50 years ago. We can, though, recognize the circumstances under which these events occurred and acknowledge how things might be done differently if we were to do them today.

We recognize that as children, you were caught in this conflict through no fault of your own. On behalf of the government of British Columbia, I extend my sincere, complete and deep regret for the pain and suffering you experienced during the prolonged separation from your families. We recognize and regret that you were deprived of the day-to-day contact with your parents and the love and support of your families. We recognize and we regret the anguish that this must have caused. We will continue to offer counselling to former residents and to your relatives — including your siblings, your offspring and your spouses — who wish to access this service. We hope that this acknowledgment will enable you to work with us toward continued reconciliation and healing.

The public statement of the Attorney General does not include the word "apology," and to that end does not completely fulfill the recommendation. It is an acknowledgement, however, that government today recognizes the pain and suffering experienced by those children so many years ago. I will not be reporting further on the status of the recommendations in my report.

NUMBER SIX

Corrections Branch

Missing effects

A man in custody at the pretrial centre complained to our office that staff had boxed up his personal effects while he was in court. The Correctional Centre confirmed that Mr A's personal effects that were in his cell had been put in a cardboard box and taken to the storage locker. However, the box of items could not be located and an inventory of the items had not been taken.

Mr A, seeking the return of his personal effects, spoke with and wrote to supervisory staff in the Correctional Centre and contacted the Investigation and Standards Office (ISO) about his missing items before he contacted our office. While the ISO determined that the inmate should be provided compensation for the missing items, the Correctional Centre refused to comply with the ISO's recommendation. The ISO closed the file and decided there was nothing else to be done. We disagreed.

We contacted the Correctional Centre to discuss Mr A's complaint. The Correctional Centre maintained that when inmates are admitted into custody, they sign a Personal Property Inventory form acknowledging personal responsibility for the effects they have requested to keep in their personal possession. Therefore, the Correctional Centre did not think it should be held liable for any loss or damage to that property. We disagreed.

After we contacted the ISO about its decision to not pursue the matter further, the Director requested another opportunity to review the Correctional Centre's refusal to provide compensation to Mr A. We advised both parties that since the Correctional Centre had control of the inmate's personal effects at the time of their loss and had not prepared a record of items collected, it was our opinion that the Correctional Centre, in the interest of "fairness," should provide adequate compensation to Mr A for the lost personal effects.

The Correctional Centre agreed to provide Mr A compensation for the loss. He accepted the Correctional Centre's offer and we closed our file.

While the monetary resolution of this matter adequately addressed the specifics of Mr A's complaint, our office was interested in reducing the possibility that a similar situation could happen to anyone else in the future. We have since been advised that the policy now in place ensures that a record is taken of the inmate's personal effects when those effects are collected by staff for safekeeping in storage.

NUMBER SEVEN

Corrections Branch

Monopolies: Do not go pass "go"; go straight to jail

Incarcerated offenders receive food, shelter, and basic clothing. Anything else an inmate wants, like a warm "hoody," a chocolate bar, or a pair of runners, (s)he may be able to purchase at the jail's canteen. This is if the item is stocked in the canteen and the inmate has money. Some inmates work in the jail, earning a few dollars a day. Others are given money by relatives and friends. Either way, with minor exceptions, the money can be spent only at the in-jail store.

Mr B bought a pair of runners at the canteen. He wore them at his job working in the jail's kitchen, and at other times. Three weeks later the shoes were worn out — the uppers separated from the soles — and Mr B asked the canteen operator for replacement shoes or a refund of the $50 purchase price.

Weeks later, Mr B. called our office and said that though local Corrections staff supported him, they had not been able to help him obtain either a refund or replacement shoes. The canteen operator, a contractor doing business with Corrections, refused the request, apparently because the contractor could not receive an exchange or refund from his supplier. Mr B thought the $50 shoes should last more than three weeks. If he had bought the shoes outside a jail, he believed the store would have considered the shoes defective, and provided an exchange.

Fairness and reasonable procedures are particularly important when government, or its contractor, is a monopoly provider. Inside a jail, the canteen operator has a monopoly in sales from shoes to soap, and the operator has a duty to exercise that monopoly fairly.

It took a while for us to convince the canteen operator to refund or replace the shoes. The operator protested that maybe the complainant had expected too much of $50 shoes and should not have worn them in the kitchen. When we asked if there was any reason to think the shoes were not defective, the operator could not give a reason. Then the operator explained that he could not give refunds (or replacements) because his own suppliers would not accept returns. The operator suggested that inmates routinely misuse or damage their possessions, without either supporting his statement or showing that this particular pair of shoes had been misused.

In the end, the canteen operator agreed to provide a second pair of runners to the complainant, who had now been released from jail. We asked the Corrections Branch to review its provincial policy and practice for contracting canteen services. If there is a provincial expectation for a clear refund/exchange policy in canteens, and that policy is posted or advertised to inmates, then complaints like this one should not arise.

NUMBER EIGHT

Corrections Branch

Confusion over jail transfer

Mr A called us from a jail on Vancouver Island to complain that Corrections Branch was transferring him back to a Lower Mainland facility even though his court date had been transferred to Victoria. According to Mr A, he had told corrections staff that the court case had been transferred to Victoria, but his own transfer to New Westminster was going ahead anyway.

Usually we refer complaints about decision making in correctional facilities to the ministry's Investigation and Standards Office (ISO). ISO investigates and provides a written decision to the complainant (usually an inmate). We investigate only where a complainant believes that ISO's process does not address the concerns about fairness, or where time is of the essence, as in Mr A's situation.

It took only a couple of phone calls by corrections staff at our request, to confirm that Mr A was correct. Though the paper trail on the court case was not clear, between Crown Counsel and Mr A's lawyer it was agreed that the case was to be heard in Victoria and the plan to transfer Mr A to the Lower Mainland was cancelled.

NUMBER ONE

Workers' Compensation Board

Public agencies have a duty to provide up-front information

Ms A complained that when her spouse purchased personal optional protection (POP) insurance, a voluntary insurance coverage offered by Workers' Compensation Board (WCB) under the *Workers' Compensation Act*, she and her husband believed they were purchasing insurance coverage of $2,000 monthly. They further believed that in the event of death, wage loss would be paid out at 75 per cent of the $2,000 per month amount purchased – that is, that wage loss would be paid out at $1,500 per month. Following the death of the complainant's husband and her subsequent application for the POP benefits, the complainant was advised that her monthly payment would be substantially reduced by an amount equal to that payable to her and her children under the Canada Pension Plan.

Ms A's complaint to our office was that she and her husband had relied on the terms and conditions as set out in the application form and, not being informed otherwise, believed that they were purchasing insurance coverage of the amount stated. We noted that none of the forms provided by WCB to the complainant's husband indicated that there would be deductions made for already earned federal benefits. Our investigation of this complaint led us to conclude that the duty of care owed to the complainant by WCB — a duty to provide detailed and, in this case, complex information affecting his coverage — appeared to be a greater duty of care than had been exercised.

The matter of administrative fairness is clear. The complainant chose the prudent course of purchasing a form of disability/life insurance and in so doing relied on information contained in the forms provided by WCB.

From an Ombudsman's perspective, government agencies have a responsibility to provide the best information possible and to provide clear and appropriate notice when information is known to be less than reliable, confusing or complex.

Duty-of-care issues arise, for the most part, around standard-of-service situations, where the receiver of a service is disadvantaged by a service provider's lack of care. Examples of issues involving disclosure of information include:

- the service provider fails to take reasonable steps to avoid omissions in the information provided
- an omission of information results in a person relying on given information that proves not to be the best information possible
- the service provider does not provide clear and appropriate notice where information is known to be, by its complexity, difficult to attain

Our office communicated with WCB in an attempt to resolve the complaint. When the complainant was offered a resolution that resulted in her being paid the amount that she and her husband believed they were purchasing in the first place, we advised the complainant and the authority that we considered the matter resolved.

NUMBER TWO

Workers' Compensation Board

Timelines for adjudication of new WCB claims

The Workers' Compensation Board (WCB) received approximately 54,000 new claims in 2003, and the average time for an injured worker to receive the first WCB loss of earnings payment was 18.7 days. While the vast majority of new claims are processed in a timely manner, some workers experience considerable delay in the adjudication of their claims. The Ombudsman wanted to know what information was provided to those workers. An Ombudsman-initiated investigation was commenced to explore WCB's adjudication timelines for making a decision on new claims.

In particular, the Ombudsman wanted to determine whether WCB advised workers at the onset of the amount of time they could expect to wait for a decision to be made on their claim. Knowing how long they will have to wait before a decision on their claim assists people in making informed financial decisions.

From a fairness perspective, when delay occurs during the adjudicative process, keeping people informed of the delay and the reasons for the delay is important. We advised WCB that it is important that efficiencies are worked out to deal with the delay, and that those efficiencies are communicated to affected parties. When people are provided with concrete information on the delay and the reasons for it, as well as being apprised of steps being taken to eliminate the delay, they generally feel included instead of feeling that the "system" may have lost or forgotten them.

WCB shared our concern for improving communication with injured workers and agreed to provide new claimants with a letter of introduction and an explanatory guide on the adjudicative process for new claims. The Ombudsman was satisfied with the initiatives undertaken by WCB for improving service satisfaction and accessibility for new claimants. Upon closing our file, we advised WCB that we appreciated its response to our concerns on the timelines for adjudication of new claims. We advised WCB that we might investigate complaints in the future that involve unreasonable delay in the adjudication process.

NUMBER THREE

Workers' Compensation Board

Perseverance pays off

In 1995, the Workers' Compensation Board (WCB) accepted a claim from a worker for a hernia injury and the worker subsequently received short-term, wage loss benefits. Mr H informed us that after a considerable delay he underwent surgery in June 1997, followed by a second surgery for the same injury in December 1997.

Following his recovery from the second surgical procedure, Mr H obtained a temporary, part-time position at a lower rate of pay. During the term of his temporary employment, Mr H's attending physician reported to WCB that there was a significant deterioration in his medical condition and that he could not return to work. On that basis, WCB informed Mr H that his claim was being reopened for wage loss benefits. The claims adjudicator informed the worker that because he sustained his original work injury more than three years ago, WCB policy required his wage loss benefits to be calculated on the basis of his current employment earnings, which were considerably lower than the wage rate he obtained in 1995.

Mr H expressed concern that, through no fault of his own, he had to endure considerable pain and suffering as a result of failed surgical repairs. He felt he was being penalized financially by WCB through the application of its policy for returning to work despite his medical condition. Mr H informed us that he had worked less than one month past the three-year policy deadline and considering his extenuating circumstances, he believed strongly that WCB should have fairly compensated him for his injury by calculating his wage loss benefits based on his original wage rate.

The role of the Ombudsman is to investigate complaints about administrative fairness, which includes determining whether a public agency such as WCB applied its policies fairly, and complied with its legislative requirements. In this case, we acknowledged WCB's position that it applied its policies correctly, but we also considered whether the application of WCB policies might have resulted in unfairness to the worker.

Following extensive discussions with WCB staff and the worker's physician, WCB agreed to conduct a thorough review of the complainant's claim file, and to provide our office with a report on the worker's employment and medical history. Given the extenuating circumstances of Mr H's medical history and new medical evidence received from his doctor, we requested that WCB give consideration to the possibility that an unfairness may have been created due to WCB's unwillingness to consider other factors when applying its three-year policy deadline.

Following WCB's review of the new medical evidence, the President and CEO of WCB advised the Ombudsman of his decision that the application of the policy caused a perception of unfairness and agreed to recalculate the complainant's short-term wage loss and pension entitlement based on the old wage rate. Considering the hardship that the worker had endured stemming from his medical condition, the Client Services Manager agreed to meet personally with Mr H to provide him with a benefit cheque and a letter explaining WCB's position and confirming that his claim file was being forwarded to Disability Awards for pension benefits.

NUMBER FOUR

Workers' Compensation Board

Unreasonable delays in handling claim

Mr E complained that there had been unreasonable delay in the Workers' Compensation Board (WCB) handling of his claim for a workplace injury that occurred in July 2004. WCB's delays in deciding whether to consider his injury a new one or an aggravation of a workplace injury he sustained in August 2003 was causing him financial distress. When he came to our office, he stated that he had not received any benefits from WCB and did not have the funds to pay his next month's rent.

Shortly after we contacted WCB and outlined Mr E's situation, WCB took action to review his claim. Mr E's claim was combined with the original WCB claim from August 2003 and was assigned to a claims manager. His earnings and work history were reviewed and a determination was made to resume the payment of benefits to him. When we received confirmation that a cheque had been issued to Mr E to address his immediate financial situation, we closed our file.

NUMBER FIVE

Workers Compensation Appeal Tribunal

Managing unavoidable delay from a fairness perspective

Our office opened an Ombudsman-initiated file after receiving a number of complaints from appellants about the apparent unfairness brought about when the Workers' Compensation Appeal Tribunal (WCAT) was created. Appellants who had initiated appeals prior to the changes to the workers' compensation system were placed in a different queue from appellants entering the workers' compensation system after the legislated changes. The Ombudsman was particularly concerned that appellants who were already in the system did not receive the benefit of the newly legislated 180-day time frame. They had allegedly been advised that it could be years before their appeals were heard.

Our office learned that the *Workers Compensation Amendment Act 2002* created two streams of appellants: those who were already in the system prior to March 3, 2003 and those who entered the system after March 3, 2003. The former group of appellants fell under the "Transition Provisions" of the above *Act* and formed what WCAT referred to as the "acquired inventory" or "inherited backlog." We further learned that when WCAT was created, this backlog accounted for 22,448 appeals.

From the outset of our investigation, WCAT advised our office that it shared our concerns. It was its hope to deal with backlog appeals in a timely fashion. It acknowledged the need to provide greater detail to appellants on the time frame for their appeals. WCAT committed to provide our office with updated reports on its progress with the backlog and agreed to meet for further discussions.

WCAT reduced the backlog by 45 per cent during the first 10-month period. In addition, WCAT undertook to mail letters to appellants in the Review Board backlog to inform them of the time period when their oral hearing would be scheduled or when their read-and-review appeal would be assigned to a panel.

Given WCAT's commitment to dealing efficiently with the backlog, as well as its commitment to inform appellants of a more specific time frame, we advised WCAT that we saw no need to investigate the matter further. We acknowledged the challenge of inheriting such a massive backlog. We stated that we were satisfied with WCAT's commitment to high-priority processing of the backlog, which had resulted in a substantial reduction. We were also satisfied that WCAT was continuing to keep people informed about the delay and of the reasons for the delay, which our office considers important from a fairness perspective. Most recently, WCAT advised us that it will, in future, be reporting to the community through a report on its website at the end of each calendar quarter.

NUMBER SIX

Insurance Corporation of British Columbia

Debt cancelled following internal review

Ms R, who resided in British Columbia and was insured by the Insurance Corporation of British Columbia (ICBC), had been hauling hay in Alberta, in 2000, when the load caught fire. The local fire department had responded and the fire was extinguished. Ms R reported the matter to ICBC at the time. She later received a bill from Alberta for approximately $3,800 to cover the costs of the local fire department's services. She gave this correspondence to ICBC and considered the matter closed.

However, over a year later, ICBC informed her that it had paid the fire department's costs and it was taking collection action to recover the money from her. This was because an Alberta court had issued a judgment against her for the costs of the fire department's services. Ms R maintained that she had never received notice of any court proceedings. Therefore, she had not been aware that legal action was being taken against her. She explained that both her husband and son had chronic illnesses and, since she was the sole financial provider for her family, she did not have the means to repay ICBC. She complained to our office that it was unjust of ICBC to hold her responsible for payment of the judgment.

We discussed Ms R's concerns with a Senior Information Officer in ICBC's Fair Practices Review Department. The information provided to us indicated that ICBC had not been notified of the Alberta court proceedings prior to receipt of the judgment. ICBC determined that she was in breach of her insurance policy because she had not fulfilled her duty, as set out in the legislation, to notify ICBC of the court action. As a result, ICBC considered that it was not liable for the payment of the fire department's bill. Therefore, ICBC sought to recover from Ms R the amount that it had paid.

In response to our enquiries, ICBC agreed to review the matter. It appeared that the Alberta court had sent notice of the proceedings to Ms R by regular mail, not registered mail. Therefore, there was no record that she had received this notice. ICBC acknowledged the fact that Ms R was coping with major illness in her family and that she was experiencing severe financial hardship. Therefore, the Senior Information Officer asked the Collections Department to hold further collection action in abeyance until ICBC's review was completed.

Following the review, the Senior Information Officer advised us that ICBC's legal staff was of the opinion that the court judgment was unenforceable and, therefore, ICBC had no authority to collect from Ms R the amount that had been paid. Given the circumstances, ICBC decided to cancel Ms R's debt and to refund to her approximately $600 that she had already paid.

NUMBER SEVEN

British Columbia Assessment

Farm status reinstated and taxes reimbursed

Ms N came to our office with a complaint that BC Assessment had unfairly revoked the farm status on her property, resulting in her having to pay substantially higher property taxes.

The woman and her recently deceased husband had farmed their land for many years under a lease agreement with a local farmer. The complainant's daughter, on adjoining property, held a lease agreement with the same farmer. Both lease agreements ran for three-year terms.

In 2003, the lease agreement for both the complainant's property and her daughter's property were mailed in separate envelopes to the local BC Assessment office, using the same address that the lease agreements had been mailed to three years earlier. However, the BC Assessment office had moved, and the envelopes were returned to both parties. The complainant and her daughter then re-sent their lease agreements, together in the same envelope, to the corrected address.

When the complainant received her tax bill in May 2004, she was surprised that the farm status had been revoked for the 2003 assessment year, resulting in her having to pay substantially higher taxes for 2003. Ms N was advised by BC Assessment that the farm status had been revoked because the lease agreement was received by BC Assessment six days past the October 31 deadline. BC Assessment staff explained that the deadline was set out in the legislation and that there was no discretion to waive the deadline.

Ms N noted that her daughter's farm status had not been revoked and complained to BC Assessment that the two lease agreements had been treated differently even though they had been sent in the same envelope. She took her concerns to her MLA, who wrote to the Minister. However, the situation was not changed. Ms N's MLA encouraged her to contact the Office of the Ombudsman.

Our investigation revealed that the complainant's farm status was not revoked due to a missed deadline. The decision to revoke the farm status stemmed from an error on the previous lease agreement. Although Ms N's recently submitted lease agreement covered the timeframe from October 31, 2003, to October 31, 2006, BC Assessment had determined that her previously submitted lease agreement expired on October 31, 2002, leaving a one-year gap. According to legislation, BC Assessment must hold a copy of a current lease agreement every October 31. If this requirement is met, BC Assessment grants the property farm class and the property owners are assessed the related property tax.

We learned that Ms N's previously submitted lease agreement stated that it covered a three-year period from October 31, 2000 to October 31, 2002. It appeared that neither party noticed the discrepancy between "2000 to 2002" and "three-year period." BC Assessment had recorded the lease agreement as expiring in October 2002, leading to their decision that Ms N did not have a current lease agreement on file after October 31, 2002. Accordingly, Ms N's farm status for the 2003 assessment year had been revoked.

Our office's discussions led to an acknowledgement by BC Assessment that its staff should have noticed the discrepancy between the "three-year period" and the dates cited on the lease agreement. BC Assessment reconsidered its initial decision and offered to

read the lease agreement in question as having been valid for the three-year period from October 2000 to October 2003. As this decision resulted in no period in which the complainant's farm status was in non-compliance, we considered the matter to be resolved. The farm status was reinstated for the year in question, and the complainant was advised that the taxing authority would issue her a refund or a credit for the additional taxes paid.

Number Eight

Land Title Office

Requirement for an "official" death certificate

Mr L complained that the Land Title Office would not complete a property transfer on a house, which he co-owned with his recently deceased father, until Mr L provided his late father's original death certificate. The original death certificate would have to be obtained from the Registrar General's Office in another province. That was going to take a considerable amount of time—17 weeks to register the death and 20 or more weeks to process the certificate. The man thought the Land Title Office's request was unreasonable as he had a letter from the hospital that confirmed his father's death.

Mr L explained the hardship that this created as he had put a deposit on another house and would lose his deposit if he could not complete the purchase. He was unable to sell the house he had co-owned with his father without having his father's name taken off the title. Given the length of time it would take to obtain the certificate, Mr L questioned why the Land Title Office could not exempt him from providing an original death certificate due to his extenuating circumstances. In his view, the requirement for an original death certificate from the other province's Registrar General's Office was unreasonable given that there was no dispute that the man's father had passed away.

In response to Mr L's complaint to our office, the Land Title Office agreed to accept a letter from the hospital as evidence of the death of the man's father. It turned out that the *Land Title Act* required only that a death certificate be signed by a public official, and as the term "public official" was not defined in the *Land Title Act*, the Land Title Office agreed that a letter from the hospital's administrator would be sufficient to remove the father's name from the title of the property. This action resolved the complaint that Mr L had raised with our office, and he was able to sell the house and purchase the new house.

NUMBER NINE

Motor Dealer Customer Compensation Fund Board

Reconsideration results in compensation

Ms C purchased a used car and a 24-month warranty from a motor vehicle dealership. When the car began to have some mechanical problems, she discovered that the dealership had made certain declarations about the vehicle that were incorrect. She also found that the warranty she purchased was reduced to 12 months without her knowledge.

Ms C filed a claim for compensation with the Motor Dealer Customer Compensation Fund Board on the basis of dishonest conduct by the dealership. However, the board deemed her claim to be based on the cost, value and quality of the vehicle and, therefore, not eligible for compensation under the legislation. The board suggested that she accept a monetary offer from the dealership to settle the matter. Ms C complained to our office that the decision of the board was unjust. In addition, the dealership would not pay her the settlement that it had previously offered.

Since the board had not provided reasons for its decision, it was unclear to us why it had deemed Ms C's claim to be one of cost, value and quality, rather than dishonest conduct as she had claimed. Under the *Motor Dealer Act*, the board has the discretion to reconsider its decisions. Therefore, we informed the board that Ms C had advised us that the dealership had failed to follow through with the monetary offer it had made to her. We reminded the board that the basis for Ms C's claim had been her allegation of dishonest conduct on the part of the dealership, and we enquired about the rationale behind the board's decision.

In response, the board advised us that if Ms C provided additional information and asked for reconsideration, her claim would be reviewed. She did so and the board reconsidered the matter. The board made a new decision and awarded her approximately $2,800 in compensation from the fund.

NUMBER TEN

Public Service and Municipal Pension Plans

Pension plan equalizes benefits for people

In 2002, I initiated an investigation into the policy of two of the four public sector pension plans (Public Service and Municipal), to deny certain benefits to pensioners living outside BC. At that time, retirement benefits included health benefits and a dental plan. These benefits were available on retirement for those retirees living in BC, but ceased if the pensioner left BC. This begged the question "why?" If health or dental benefits are part of the pension "package," why would place of residence affect eligibility for or provision of these benefits?

Early on in our review, we determined that retirees from the other two public sector plans (college employees and teachers) did receive the same health benefits inside and outside BC, provided they remained in Canada. While there may be administrative difficulties processing claims for massage therapy in Moose Jaw or a root canal in Rankin Inlet, clearly the other two pension plans had found solutions to, or made accommodation for, these administrative issues.

We asked the Public Service and Municipal Pension Boards to explain their reasons for determining the availability of these benefits based on place of residence. We asked if pensioners living outside BC received any other benefit or allowance that would offset the apparent unfairness of ineligibility for extended health and dental coverage. Our investigation became complicated by a change in BC legislation governing the four public sector pension plans. Authority for and management of the pension plans devolved from boards appointed by the province to four boards of trustees, composed of representatives of the employers and employees covered by each of the plans. This change brought into question my office's authority to investigate complaints about the four pension boards of trustees, and so our investigation was suspended during a lengthy process ending with an amendment to the Schedule to the *Ombudsman Act* and confirmation of our authority to resume work on this file. In the meantime, the Municipal and Public Sector pension plans decided to change their practice.

Starting in 2005, new retirees living outside BC or moving out of BC continue to be eligible for benefits. Those pensioners living in Canada, who were previously ineligible, will receive a letter offering them the option to sign up for benefits, in a 90-day window.

Number Eleven

Office of the Fire Commissioner

Missing fire report located

Ms T, whose house and business had burned down three-and-a-half months previously, contacted our office because she had not been able to obtain a copy of the fire report from the Office of the Fire Commissioner (OFC).

Although Ms T had been informed that the investigation had been completed, OFC staff told her they did not have the report and it might be several more months before it would be available. Ms T believed that this delay was unreasonable and that it imposed undue hardship on her, since her insurance company would not process her claim until it received the fire report.

We discussed Ms T's complaint with a supervisor at the OFC. She informed us that it is not uncommon for it to take several months to complete a fire investigation and prepare a report. However, she agreed to contact the local fire chief and enquire into the status of Ms T's report. Following her conversation with the fire chief, the supervisor advised us that the report had been completed, but the local fire department had omitted to enter the information into the computer system. The fire chief took immediate steps to enter the report into the system, and the supervisor mailed a copy of the report to Ms T the following day.

Number Twelve

Vital Statistics

No refund for birth certificate gone astray

The complainant explained that a birth certificate she purchased from the Vital Statistics Agency in the spring of 2002 was never received. She contacted the Vital Statistics Agency in 2004 to enquire and, based on that discussion, she said it appeared the birth certificate was delivered to an incorrect address. In the circumstances, the complainant believed that a new birth certificate should be issued free of charge. However, the Vital Statistics Agency advised that it was bound by policy that allowed refunds or the issuance of new certificates free of charge only within one year of the original purchase. The complainant believed that an exception to the policy was warranted because it appeared the Vital Statistics Agency had sent the birth certificate to an incorrect address.

The Vital Statistics Agency advised that the birth certificate was sent to the address provided by the complainant; however, it was returned by Canada Post. The Vital Statistics Agency advised that it was unable to reach the complainant by telephone at that time and heard nothing from her for more than two years. Nevertheless, the Vital Statistics Agency decided to reissue the birth certificate free of charge because it was clear that the complainant had never received the original birth certificate for which she had paid.

NUMBER ONE

Registered Nurses Association of British Columbia

Out-of-province trained nurses have difficulty with BC registration

We initiated an investigation into the fairness and practicality of a requirement that applicants educated in Canadian provinces outside of British Columbia had to become registered in the province where they were educated before they could qualify for registration with the Registered Nurses Association of British Columbia (RNABC).

This requirement was initially brought to our attention by two students who were about to graduate from a masters program in nursing at a well-established and reputable university in Quebec. Both students wanted to practise nursing in British Columbia and they intended to apply for registration with the RNABC.

To become registered with the regulatory body for nursing in most Canadian provinces, including British Columbia, applicants must demonstrate that they have graduated from an approved school of nursing and passed the Canadian Registered Nurse Examination or are registered in a jurisdiction outside of British Columbia as the equivalent of a registered nurse.

For the two students who came to my office, registration with the regulatory body for nursing in Quebec meant that they would have to demonstrate French proficiency and pass a nursing examination that was unique to Quebec. Given that neither of them planned to remain in Quebec, they questioned the benefit of meeting those criteria and becoming registered as nurses in Quebec. They hoped the RNABC would consider their applications if they passed the Canadian Registered Nurse Examination and demonstrated that they had graduated from a school of nursing that was approved in the province in which the school was located.

The RNABC advised that it had no authority to approve schools of nursing outside of British Columbia and therefore could not register applicants who were educated in other provinces unless those applicants were first registered in the jurisdiction in which they were educated.

There appeared to be several options for the students to qualify for registration with the RNABC without becoming registered in Quebec. However, none of the possible options were without drawbacks, including the one they eventually chose. The students learned that the College of Nurses in Ontario did not require applicants educated in other provinces to be registered elsewhere. Provided they had graduated from a school of nursing approved in the jurisdiction in which the school was located and completed the Canadian Registered Nurse Examination, they could become registered with the College. Once registered, they could use that registration as a means of qualifying for registration with the RNABC. The students followed that process and eventually became registered with the RNABC. Although the students achieved their objective, we questioned whether it was necessary to spend the time and money necessary to first become registered in another jurisdiction.

The RNABC's practice appeared to be consistent with the *Nurses (Registered) Act*, the Mutual Recognition Agreement of the Regulatory Bodies for Registered Nurses in Canada and practice in most other Canadian provinces. However, we questioned the fairness and practicality of the requirement that applicants educated in other Canadian

NUMBER ONE CONTINUED . . .

provinces must become registered elsewhere before they may become registered with the RNABC.

By entering into the mutual recognition agreement with the regulatory bodies for nursing in other Canadian provinces, RNABC was acknowledging a high degree of similarity between jurisdictions with respect to scope of practice, education and other qualifications for registration. It appeared that all schools of nursing operating in Canada had been approved for the purpose of registration by the regulatory bodies in the respective jurisdictions. Under the circumstances, there was no obvious disadvantage if the RNABC allowed graduates from a school of nursing approved in another jurisdiction to apply directly to the RNABC. We noted that The College of Nurses in Ontario and other regulatory bodies for health professions in British Columbia did not require applicants educated outside of British Columbia to first become registered elsewhere.

We noted that the *Nurses (Registered) Act* was soon to be repealed and the successor legislation did not appear to contain any provision that would require the RNABC to maintain the practice we questioned.

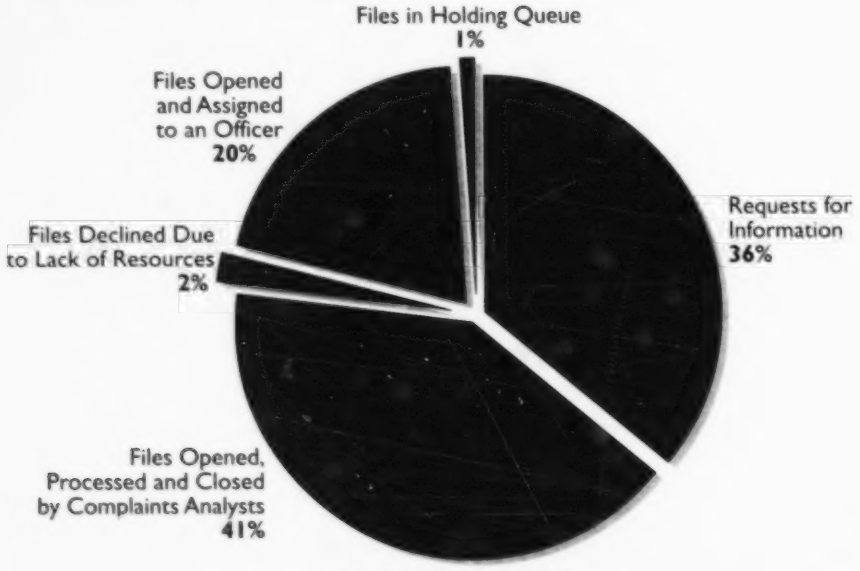
Furthermore, the RNABC has stated objectives to ensure sufficient numbers of nurses are educated and become registered to meet the health care needs of the public. We understood that part of the RNABC's strategy for solving the shortage of nurses was to expedite British Columbia's nursing registration system for out-of-province and internationally recruited, fully qualified nurses.

In view of the RNABC's stated objectives and the possibility that its current registration practice might serve as a disincentive to some nurses, there was sufficient reason to consider alternatives to its current practice.

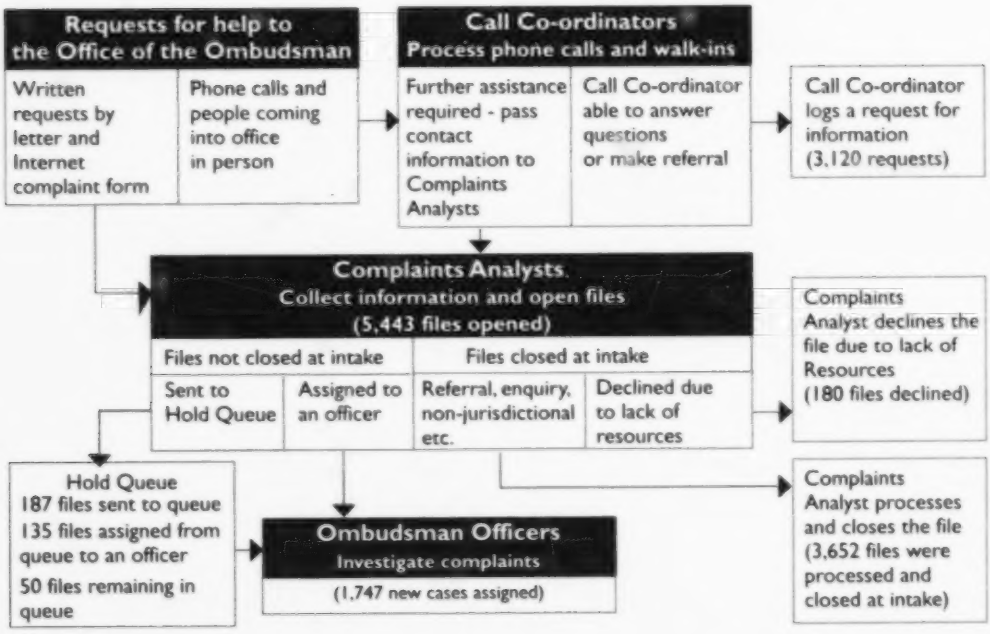
Following a period of consultation, the RNABC advised our office that its Board of Directors had approved, in principle, draft bylaws. Under those draft bylaws, a Canadian applicant who met all requirements for registration other than graduation from a BC-approved registered nurse education program could be granted registration if certain criteria were met. The criteria appeared to be reasonable and the draft bylaws appeared to address our concern.

STATISTICS

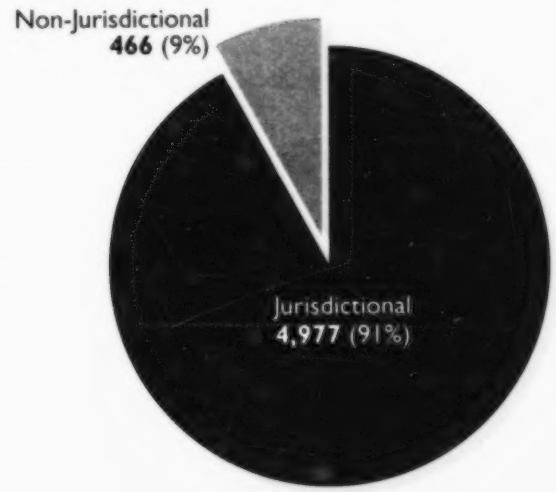
How Intakes Were Processed in 2004



Total Intakes: 8,563


Requests for help to the Office of the Ombudsman
Written requests by letter and Internet complaint form
Phone calls and people coming into office in person
Call Co-ordinators
Process phone calls and walk-ins
Further assistance required - pass contact information to Complaints Analysts
Call Co-ordinator able to answer questions or make referral
Call Co-ordinator logs a request for information (3,120 requests)
Complaints Analysts
Collect information and open files
(5,443 files opened)
Files not closed at intake
Files closed at intake
Sent to Hold Queue
Assigned to an officer
Referral, enquiry, non-jurisdictional etc.
Declined due to lack of resources
Complaints Analyst declines the file due to lack of Resources (180 files declined)
Hold Queue
187 files sent to queue
135 files assigned from queue to an officer
50 files remaining in queue
Ombudsman Officers
Investigate complaints
(1,747 new cases assigned)
Complaints Analyst processes and closes the file (3,652 files were processed and closed at intake)

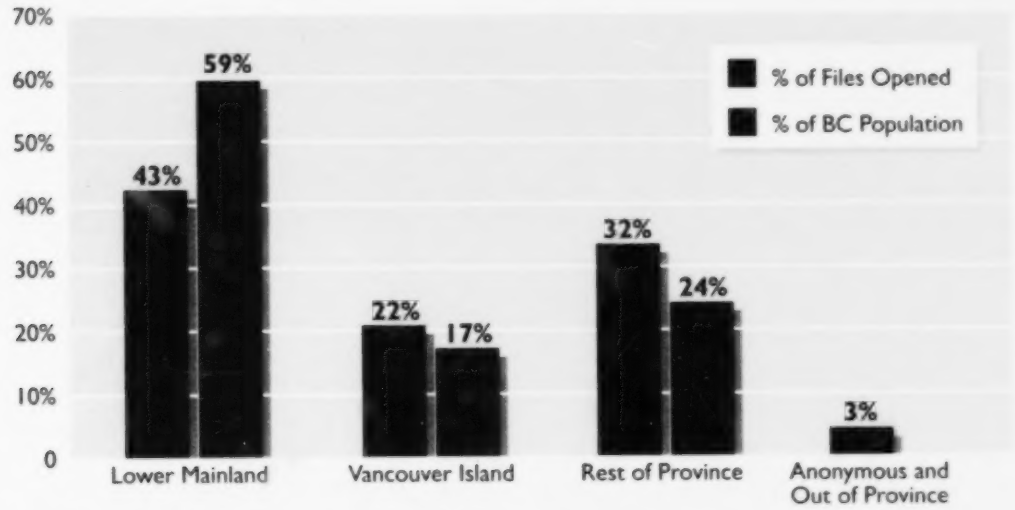
Files Opened in 2004



Intakes in 2004

	Jurisdictional	Non-jurisdictional	Totals
Requests for Information	1,608	1,512	3,120
Files Opened	4,977	466	5,443
Total	**6,585**	**1,978**	**8,563**

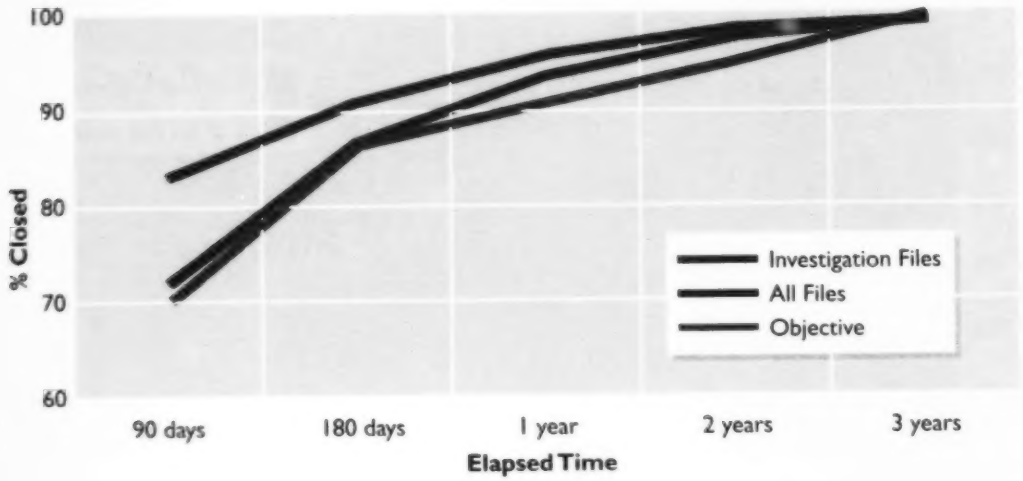
Files Opened In 2004 By Region



Number of Files Opened

	Files Opened	Jurisdictional Files Opened
Lower Mainland	2,363	2,156
Vancouver Island	1,165	1,071
Rest of Province	1,708	1,590
Anonymous	56	22
Out of Province	151	138
Total	**5,443**	**4,977**

Files Closed In 2004

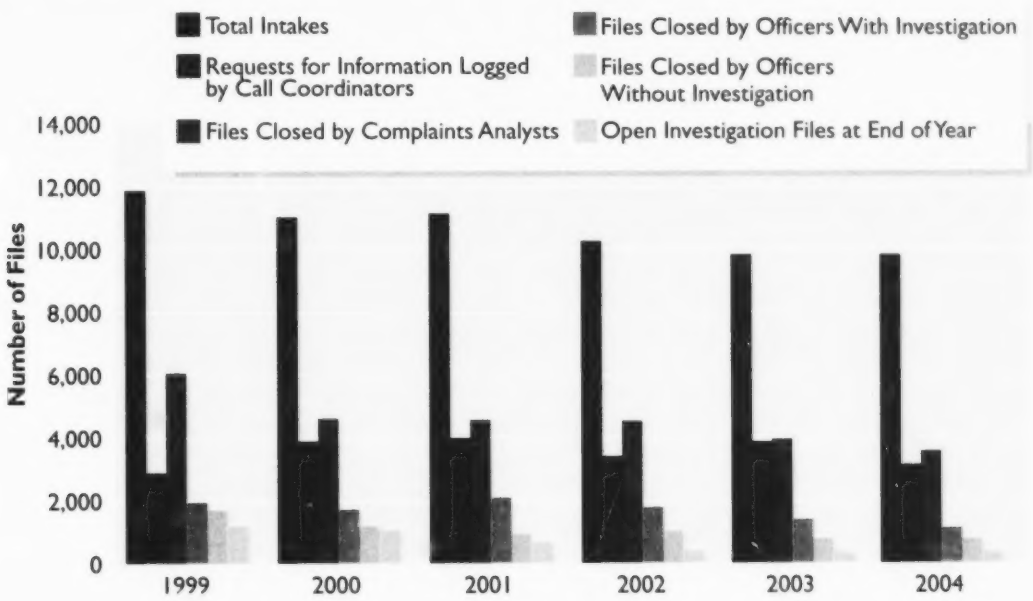


Number of Files Closed

	Within 90 Days Files	%	180 Days Files	%	1 Year Files	%	2 Years Files	%	3 Years Files	%
Investigation Files	716	71.1%	862	85.6%	942	93.5%	989	98.2%	1001	99.4%
All Files	1300	80.3%	1469	90.7%	1553	95.9%	1601	98.9%	1613	99.6%
Performance Objective*		**70%**		**85%**		**90%**		**95%**		**100%**

* Note: These performance objectives apply to the Investigative Teams, so files closed at intake are not included in these numbers

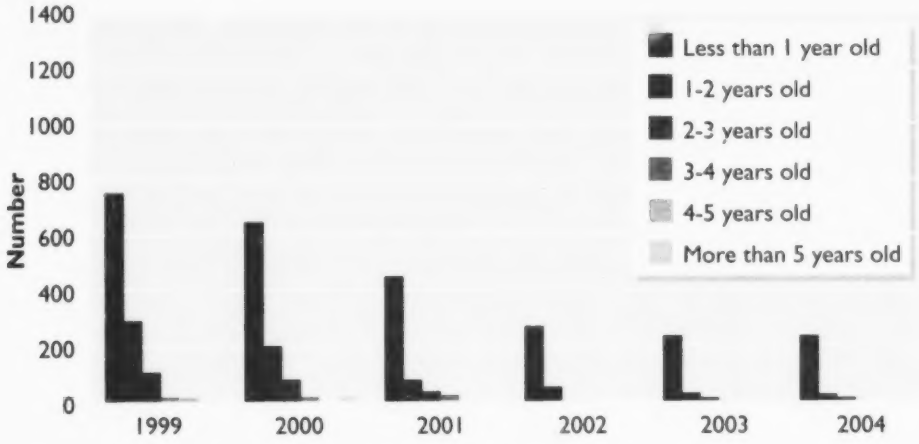
Office Case Load



Breakdown of Office Case Activity

	1999	2000	2001	2002	2003	2004
Open at beginning of year	1,779	1,191	964	605	361	278
(Data correction – deletion of duplicate files)					(1)	(2)
Requests for Information - Jurisdictional	1,590	2,212	2,098	1,739	2,106	1,608
Requests for Information - Non-Jurisdictional	1,237	1,585	1,852	1,602	1,756	1,512
Files Opened - Jurisdictional	8,297	6,582	6,597	6,405	5,494	4,791
Files Opened - Non-Jurisdictional	742	526	501	535	499	465
Files open to Holding Queue	-	-	-	-	-	187
Total Intakes	11,866	10,905	11,048	10,281	9,855	8,563
Requests for Information Logged by Call Coordinators	2,827	3,797	3,950	3,341	3,862	3,120
Files Closed by Complaints Analysts	6,014	4,544	4,566	4,453	3,962	3,652
Total Closed at Intake	8,841	8,341	8,516	7,794	7,821	6,772
Files Closed by Officers with Investigation	1,959	1,646	2,009	1,751	1,370	1,007
Files Closed by Officers without Investigation	1,675	1,170	907	1,000	757	612
Total Closed by Officers	3,634	2,816	2,916	2,751	2,127	1,619
Files assigned from the Holding Queue	-	-	-	-	-	135
Files waiting in the Holding Queue	-	-	-	-	-	50
Files Reopened	21	25	25	20	14	7
Open at End of Year	1,191	964	605	361	278	405

Number Of Files Open By Age

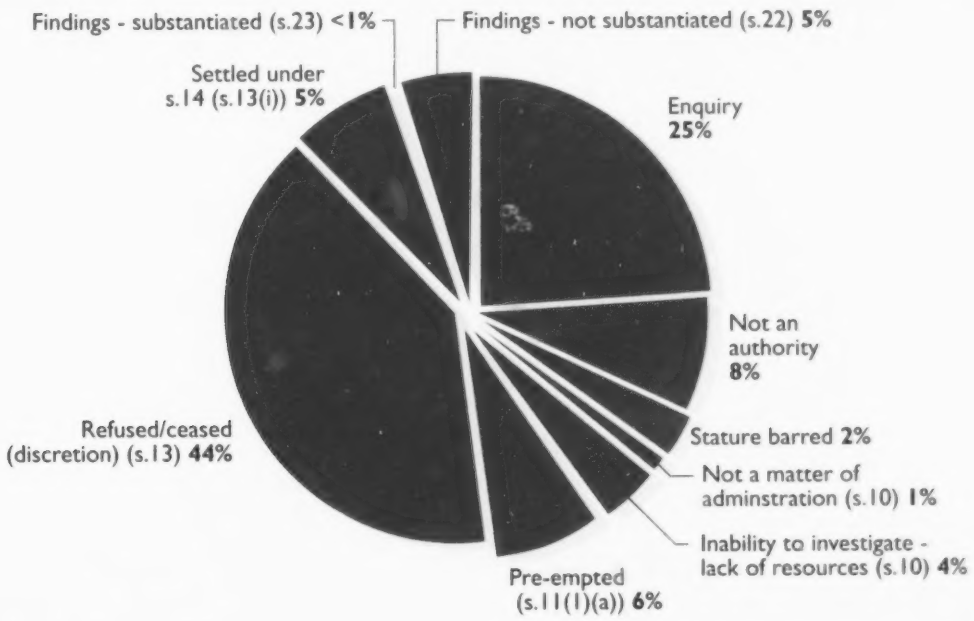


Number of Files Open at the End of Each Year

	1999		2000		2001		2002		2003		2004	
Less than 1 year old	752	63%	646	67%	455	75%	276	76%	230	83%	371	91%
1-2 years old	287		203		84		58		29		24	
2-3 years old	105		79		37		12		14		4	
3-4 years old	19	37%	19	33%	25	25%	9	24%	3	17%	4	9%
4-5 years old	18		3		1		5		1		1	
More than 5 years old	10		14		3		1		1		1	
Total open files	**1,191**		**964**		**605**		**361**		**278**		**405**	

* Performance measures introduced in September 2002 set objectives to have less than 20% of open files more than one year old as of 2002, and less than 15% more than one year old as of 2003, and less than 10% more than one year old as of 2004.

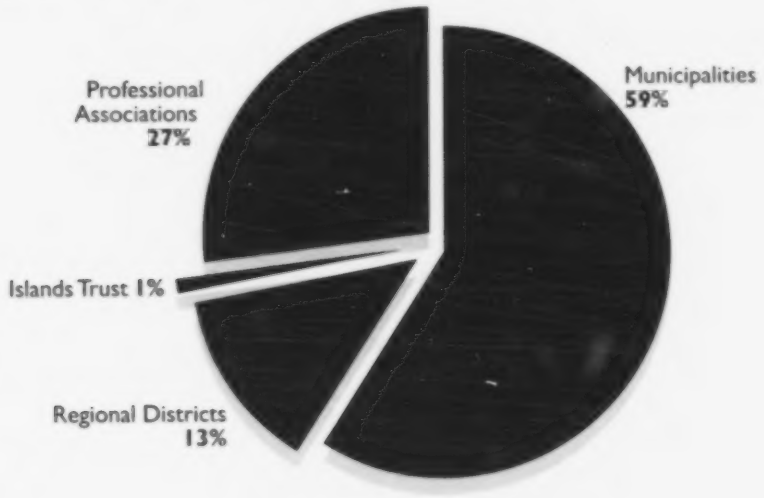
How Files Were Closed In 2004


Findings - substantiated (s.23) <1%
Findings - not substantiated (s.22) 5%
Settled under s.14 (s.13(i)) 5%
Enquiry 25%
Not an authority 8%
Stature barred 2%
Not a matter of adminstration (s.10) 1%
Inability to investigate - lack of resources (s.10) 4%
Pre-empted (s.11(1)(a)) 6%
Refused/ceased (discretion) (s.13) 44%

Closing Status	No Investigation	Investigation	Total Matters Closed*
Enquiry	1,360	NA	1,360
Not an authority	425	NA	425
Statute barred	93	NA	93
Not a matter of administration (s.10)	58	1	59
Inability to investigate – lack of resources (s.10) (see page 50)	210	0	210
Pre-empted (s.11(1)(a))	304	8	312
Refused/ceased (discretion) (s.13)	1,814	557	2,371
s.13(a)	0	0	0
s.13(b)	3	0	3
s.13(c)	1352	41	1393
s.13(d)	0	0	0
s.13(e)	294	468	762
s.13(f)	18	22	40
s.13(g)	31	12	43
s.13(h)	116	14	130
Settled under s.14 (s.13(i))	NA	296	296
Findings - substantiated (s.23)	NA	1	1
Findings - not substantiated (s.22)	NA	256	256
Total Closings	**4,264**	**1,119**	**5,383**
Total Files Closed*	**4,264**	**1,007**	**5,271**

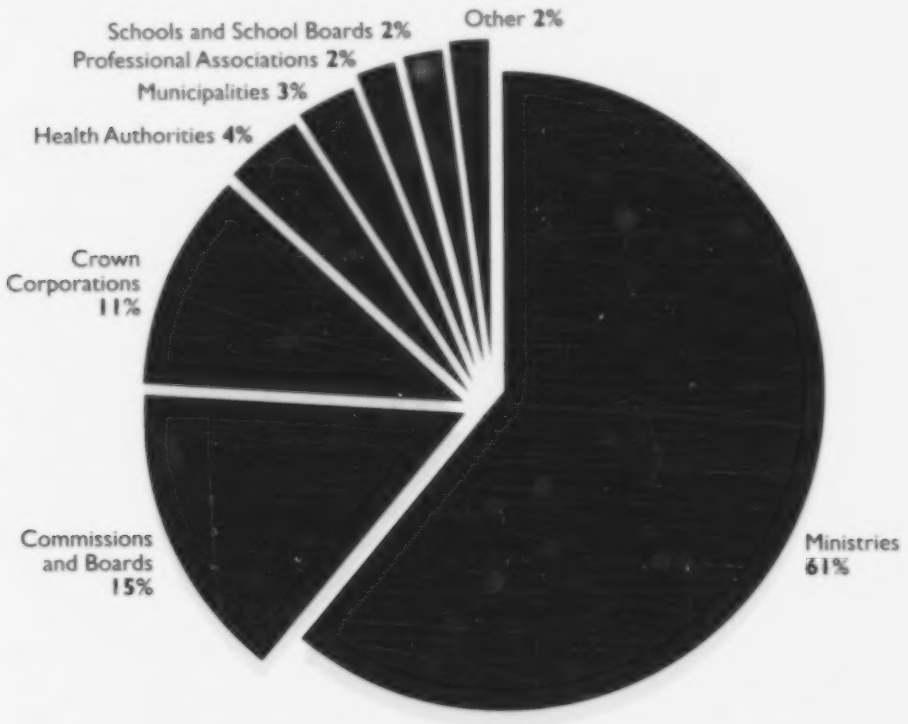
* For investigation files, the number of files closed is no longer the same as the number of closings. Starting in July 2003, we began closing each issue, or matter of administration identified on a file, separately. Each investigation file has one or many matters of administration. Therefore the number of matters closed during a period may be greater than the number of files. A file is considered closed when all of its matters of administration are closed.

Distribution Of "Lack of Resources" Closings



Municipalities	123
Regional Districts	27
Islands Trust	2
Regional Parks Boards	1
Libraries	1
Professional Associations	56
Total	**210**

Files Closed In 2004 By Authority



Ministries (61%)	
Human Resources	39%
Public Safety and Solicitor General	19%
Children and Family Development	17%
Health Services	7%
Attorney General	6%
Provincial Revenue	3%
Advanced Education	2%
Forests	1%
Skills Development and Labour	1%
Transportation	1%
Water, Land and Air Protection	1%
Other	3%

Commissions and Boards (15%)	
Workers' Compensation Board	52%
Workers' Compensation Appeal Tribunal	14%
BC Housing	7%
Public Guardian and Trustee	6%
Labour Relations Board	3%
Employment and Assistance Appeal Tribunal	2%
BC Utilities Commission	2%
Pension Corporation	2%
Emergency Health Services Commission	1%
Human Rights Tribunal	1%
Private Post-Secondary Education Commission	1%
Other	9%

Crown Corporations (11%)	
ICBC	62%
BC Hydro	25%
Land and Water British Columbia Inc.	6%
BC Assessment	3%
BC Lottery Corporation	1%
Homeowner Protection Office	1%
Other	2%

Health Authorities (4%)	
Fraser Health Authority	25%
Vancouver Coastal Health Authority	21%
Vancouver Island Health Authority	19%
Interior Health Authority	18%
Provincial Health Services Authority	12%
Northern Health Authority	5%

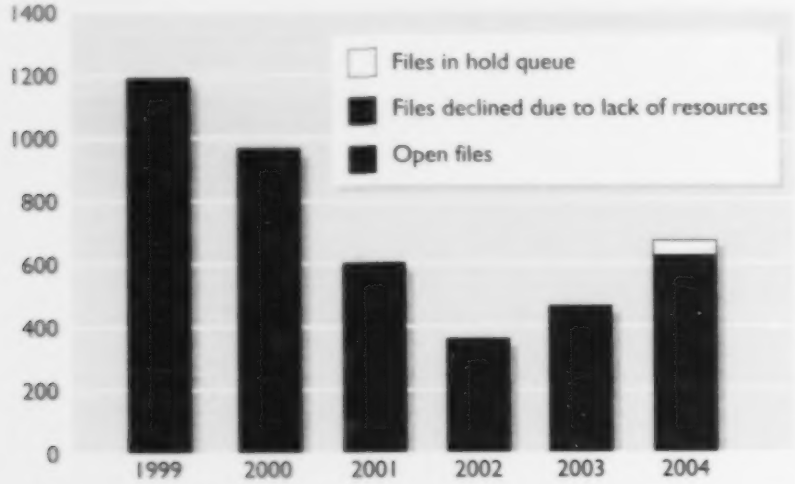
Municipalities (3%)	
City of Nanaimo	10%
City of Vancouver	8%
City of Surrey	7%
City of Victoria	4%
Township of Langley	4%
City of Coquitlam	3%
City of New Westminster	3%
City of Vernon	3%
District of Saanich	3%
Other	55%

Professional Associations (2%)	
Law Society of British Columbia	39%
College of Physicians and Surgeons of BC	22%
College of Psychologists of BC	6%
College of Teachers	6%
BC Veterinary Medical Association	4%
Real Estate Council	4%
Other	19%

Schools and School Boards (2%)	
School District 39 (Vancouver)	7%
School District 08 (Kootenay Lake)	5%
School District 27 (Cariboo-Chilcotin)	5%
School District 36 (Surrey)	5%
School District 06 (Rocky Mountain)	4%
School District 61 (Greater Victoria)	4%
School District 62 (Sooke)	4%
School District 67 (Okanagan Skaha)	4%
School District 68 (Nanaimo-Ladysmith)	4%
Other	58%

Other (2%)	
Colleges	40%
Regional Districts	34%
Universities	18%
Islands Trust	3%
Libraries	3%
Improvement Districts	1%
Park Boards	1%

Opened And Deferred Files



Number of files at the end of each year

	1999	2000	2001	2002	2003	2004
Open files	1,191	964	605	361	278	405
Files in holding queue	0	0	0	0	0	50
Files declined due to lack of resources	0	0	0	0	206	210

2004 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(1))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Ministries	161	1053	688	332	1610	205	149	0	2984	2907	243
Advanced Education	7	1	21	1	21	8	6	0	57	56	8
Agriculture, Food and Fisheries	1	1	1	1	2	0	1	0	5	5	0
Attorney General	9	39	31	24	98	11	15	0	179	170	12
Children and Family Development	21	11	90	9	387	20	13	0	519	502	46
Community, Aboriginal and Women's Services	0	2	5	0	3	1	0	0	9	9	1
Competition, Science and Enterprise	0	1	0	0	0	0	0	0	0	0	0
Education	1	1	6	0	3	0	1	0	10	10	1
Energy and Mines	3	0	1	0	1	0	2	0	4	4	1
Finance	0	2	5	0	2	0	0	0	7	7	1
Forests	6	1	10	0	21	4	2	0	37	37	10
Health Planning	1	0	1	1	0	0	0	0	2	2	0
Health Services	19	14	86	5	75	30	18	0	214	206	34
Human Resources	47	132	197	267	600	65	40	0	1169	1145	55
Management Services	2	17	1	2	6	2	0	0	11	11	1
Provincial Revenue	5	0	22	3	50	14	12	0	101	99	11
Public Safety and Solicitor General	28	746	164	16	302	39	34	0	555	541	35
Skills Development and Labour	3	81	17	1	8	3	4	0	33	32	0
Small Business and Economic Devel.	0	0	0	0	1	1	0	0	2	2	4
Sustainable Resource Management	1	2	6	1	5	1	0		13	13	1
Transportation	6	0	12	1	12	4	0	0	29	29	12
Water, Land and Air Protection	1	2	12	0	13	2	1	0	28	27	10
Commissions and Boards	38	338	334	75	247	40	47	0	743	731	87
BC Farm Industry Review Board	0	0	0	0	2	0	0	0	2	2	0
BC Housing	1	2	9	0	33	3	3	0	48	48	1
BC Safety Authority	0	0	0	0	1	0	0	0	1	1	1
BC Securities Commission	0	0	0	0	1	0	0	0	1	1	0
BC Utilities Commission	1	90	9	0	5	1	1	0	16	16	1
Business Practices & Consumer Protection Authority	0	191	4	0	1	0	0	0	5	5	3
Coroners Service	0	2	2	0	3	1	0	0	6	6	0
Emergency Health Services Commission	0	0	5	0	4	1	0	0	10	10	3
Employment Standards Tribunal	1	0	1	0	1	0	1	0	3	3	0
Employment and Assistance Appeal Tribunal	3	0	3	0	7	1	6	0	17	17	5
Expropriation Compensation Board	0	0	0	0	0	0	0	0	0	0	1
Financial Institutions Commission	0	3	0	0	2	0	0	0	2	2	1
Forest Practices Board	0	0	1	0	0	0	0	0	1	1	0
Health Employers Association of BC	0	0	0	0	1	0	0	0	1	1	0
Human Rights Tribunal	0	13	4	0	6	0	1	0	11	10	2
Industry Training Authority	0	0	1	0	1	1	0	0	3	3	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(1))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Insurance Council of BC	0	1	4	0	1	0	0	0	5	5	0
Labour Relations Board	0	16	16	1	4	0	0	0	21	21	2
Mediation and Arbitration Board	0	0	1	0	0	0	0	0	1	1	0
Medical Services Commission	0	0	1	0	1	0	0	0	2	2	1
Motor Carrier Commission	0	0	1	0	1	0	0	0	2	2	0
Motor Dealer Customer Compensation Fund Board	1	1	0	0	0	1	0	0	1	1	0
Municipal Pension Board of Trustees	0	0	1	0	0	0	0	0	1	1	0
Pension Corporation	4	0	3	0	5	2	3	0	13	13	3
Premier's Office	0	1	1	1	1	0	0	0	3	3	0
Private Career Training Institutions Agency	0	1	1	0	0	0	0	0	1	1	4
Private Post-Secondary Education Commission	0	6	5	2	0	1	0	0	8	8	0
Property Assessment Appeal Board	0	0	0	0	1	0	0	0	1	1	1
Provincial Agricultural Land Commission	0	1	3	0	3	0	0	0	6	6	1
Provincial Capital Commission	0	0	2	0	1	0	0	0	3	3	0
Public Guardian and Trustee	2	5	12	1	29	2	3	0	47	47	6
Public Service Pension Board of Trustees	1	0	0	0	0	1	0	0	1	1	0
Teachers' Pension Board of Trustees	0	0	0	0	0	0	0	0	0	0	1
Translink	1	0	1	0	1	0	2	0	4	4	2
Workers' Compensation Appeal Tribunal	4	1	37	10	52	3	6	0	108	105	11
Workers' Compensation Board	19	4	206	60	79	22	21	0	388	320	37
Crown Corporations	26	106	96	13	343	31	28	0	511	505	38
BC Assessment	2	0	5	0	7	2	4	0	18	17	1
BC Buildings Corporation	0	0	1	0	0	0	0	0	1	1	0
BC Hydro	3	43	20	1	90	12	5	0	128	127	5
BC Lottery Corporation	1	1	3	0	4	0	0	0	7	7	4
BC Rail	2	0	1	0	2	0	0	0	3	3	1
BC Transit	0	0	1	0	0	1	0	0	2	2	1
Columbia Power Corporation	0	0	1	0	1	0	0	0	2	2	0
Homeowner Protection Office	1	1	3	0	2	0	0	0	5	5	1
ICBC	10	61	54	12	217	14	18	0	315	311	20
Land and Water British Columbia Inc.	7	0	7	0	19	2	1	0	29	29	4
Oil and Gas Commission	0	0	0	0	1	0	0	0	1	1	1
Municipalities	6	10	24	128	3	2	1	1	159	159	1
Island Municipalities											
Bowen Island Municipality	0	0	0	1	0	0	0	0	1	1	0
Resort Municipalities											
Resort Municipality of Whistler	0	0	0	1	0	0	0	0	1	1	0
Cities											
Abbotsford	0	0	1	0	0	0	0	0	1	1	0
Burnaby	0	0	2	1	0	0	0	0	3	3	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(1))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Chilliwack	0	0	0	1	0	0	0	0	1	1	0
Colwood	0	0	0	2	0	0	0	0	2	2	0
Coquitlam	0	0	0	5	0	0	0	0	5	5	0
Courtenay	0	0	0	2	0	0	0	0	2	2	0
Cranbrook	0	0	0	1	0	0	0	0	1	1	0
Dawson Creek	0	0	0	1	0	0	0	0	1	1	0
Fort St. John	0	0	0	1	0	0	0	0	1	1	0
Kamloops	0	0	0	2	0	0	0	0	2	2	0
Kelowna	0	0	0	1	0	0	0	0	1	1	0
Kimberley	0	0	0	1	0	0	0	0	1	1	0
Nanaimo	0	1	0	16	0	0	0	0	16	16	1
Nelson	0	0	1	2	0	0	0	0	3	3	0
New Westminster	0	0	1	4	0	0	0	0	5	5	0
North Vancouver	0	1	0	1	0	0	0	0	1	1	0
Parksville	0	1	0	1	0	0	0	0	1	1	0
Penticton	0	1	1	1	0	0	0	0	2	2	0
Port Alberni	0	0	0	1	0	0	0	0	1	1	0
Port Coquitlam	0	1	0	1	0	0	0	0	1	1	0
Prince George	0	0	0	2	0	0	0	0	2	2	0
Quesnel	0	1	0	0	0	0	0	0	0	0	0
Revelstoke	0	0	0	1	0	0	0	0	1	1	0
Richmond	0	0	0	1	0	0	0	0	1	1	0
Surrey	1	0	3	7	0	0	0	1	11	11	0
Terrace	0	0	1	1	0	0	0	0	2	2	0
Trail	0	0	0	1	0	0	0	0	1	1	0
Vancouver	0	1	1	12	0	0	0	0	13	13	0
Vernon	0	1	1	4	0	0	0	0	5	5	0
Victoria	0	1	3	3	1	0	0	0	7	7	0
White Rock	0	0	0	1	0	0	0	0	1	1	0
Districts											
District of 100 Mile House	1	0	0	0	0	1	0	0	1	1	0
District of Campbell River	1	0	0	1	1	0	0	0	2	2	0
District of Central Saanich	0	0	0	1	0	0	0	0	1	1	0
District of Coldstream	0	0	0	1	0	0	0	0	1	1	0
Corporation of Delta	0	0	0	3	0	0	0	0	3	3	0
District of Elkford	0	0	1	2	0	0	0	0	3	3	0
District of Hope	0	1	1	0	0	0	0	0	1	1	0
District of Kent	0	0	0	1	0	0	0	0	1	1	0
District of Langford	0	0	0	2	0	0	0	0	2	2	0
District of Maple Ridge	0	0	0	1	0	0	0	0	1	1	0
District of Metchosin	0	0	1	0	0	0	0	0	1	1	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
District of Mission	0	0	1	3	0	0	0	0	4	4	0
District of North Saanich	0	0	0	1	0	0	0	0	1	1	0
District of North Vancouver	0	0	0	2	0	0	0	0	2	2	0
District of Peachland	0	0	0	1	0	0	0	0	1	1	0
District of Powell River	0	0	0	1	0	0	0	0	1	1	0
District of Saanich	1	0	0	5	0	0	0	0	5	5	0
District of Salmon Arm	0	0	0	1	0	0	0	0	1	1	0
District of Sicamous	0	0	0	1	0	0	0	0	1	1	0
District of Sooke	0	0	0	2	0	0	0	0	2	2	0
District of Squamish	0	0	0	1	0	0	0	0	1	1	0
District of Stewart	0	0	0	1	0	0	0	0	1	1	0
District of Tumbler Ridge	0	0	0	2	0	0	0	0	2	2	0
District of Ucluelet	0	0	0	1	0	0	0	0	1	1	0
Towns											
Town of Creston	0	0	0	1	0	0	0	0	1	1	0
Town of Gibsons	0	0	0	1	0	0	0	0	1	1	0
Town of Ladysmith	0	0	0	1	0	0	0	0	1	1	0
Town of Lake Cowichan	0	0	0	2	0	0	0	0	2	2	0
Town of Osoyoos	0	0	1	2	0	0	0	0	3	3	0
Town of View Royal	1	0	0	0	0	0	1	0	1	1	0
Townships											
Township of Langley	0	0	1	5	0	0	0	0	6	6	0
Township of Spallumcheen	0	0	0	0	1	0	0	0	1	1	0
Villages											
Village of Anmore	1	0	0	0	0	1	0	0	1	1	0
Village of Fruitvale	0	0	1	0	0	0	0	0	1	1	0
Village of Granisle	0	0	1	0	0	0	0	0	1	1	0
Village of Lions Bay	0	0	0	1	0	0	0	0	1	1	0
Village of Lumby	0	0	0	1	0	0	0	0	1	1	0
Village of Salmo	0	0	1	0	0	0	0	0	1	1	0
Regional Districts	1	0	3	27	4	0	0	0	34	34	0
Capital	0	0	0	3	1	0	0	0	4	4	0
Cariboo	0	0	0	1	1	0	0	0	2	2	0
Central Kootenay	0	0	1	1	0	0	0	0	2	2	0
Central Okanagan	0	0	0	1	0	0	0	0	1	1	0
Comox-Strathcona	0	0	0	1	0	0	0	0	1	1	0
East Kootenay	0	0	0	4	0	0	0	0	4	4	0
Fraser Valley	0	0	0	1	0	0	0	0	1	1	0
Greater Vancouver	0	0	1	2	0	0	0	0	3	3	0
Kootenay Boundary	0	0	0	2	0	0	0	0	2	2	0
Nanaimo	0	0	0	2	1	0	0	0	3	3	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
North Okanagan	0	0	0	3	0	0	0	0	3	3	0
Okanagan-Similkameen	1	0	0	4	1	0	0	0	5	5	0
Skeena-Queen Charlotte	0	0	0	1	0	0	0	0	1	1	0
Squamish-Lillooet	0	0	1	0	0	0	0	0	1	1	0
Thompson-Nicola	0	0	0	1	0	0	0	0	1	1	0
Islands Trust	0	0	1	2	0	0	0	0	3	3	0
Improvement Districts	0	0	0	0	1	0	0	0	1	1	0
Black Mountain Irrigation District	0	0	0	0	1	0	0	0	1	1	0
Libraries	1	0	1	1	0	1	0	0	3	3	0
Fraser Valley Regional Library	1	0	1	0	0	1	0	0	2	2	0
Salt Spring Island Public Library	0	0	0	1	0	0	0	0	1	1	0
Parks Boards	0	0	1	0	0	0	0	0	1	1	0
Cultus Lake Park Board	0	0	1	0	0	0	0	0	1	1	0
Schools and School Boards	10	2	33	11	38	4	9	0	85	75	29
School District 06 (Rocky Mountain)	0	0	1	0	2	0	0	0	3	3	0
School District 08 (Kootenay Lake)	0	0	0	1	3	0	0	0	4	4	1
School District 10 (Arrow Lakes)	0	0	0	0	0	0	0	0	0	0	1
School District 19 (Revelstoke)	0	0	2	0	0	0	0	0	2	2	0
School District 20 (Kootenay-Columbia)	0	0	1	0	1	0	0	0	2	2	0
School District 22 (Vernon)	0	0	1	0	0	0	0	0	1	1	1
School District 23 (Central Okanagan)	0	0	1	0	0	0	0	0	1	1	2
School District 27 (Cariboo-Chilcotin)	0	0	4	0	0	0	0	0	4	4	1
School District 28 (Quesnel)	0	0	0	0	1	0	0	0	1	1	1
School District 34 (Abbotsford)	1	0	1	0	1	0	3	0	5	2	0
School District 35 (Langley)	0	0	0	0	0	0	0	0	0	0	1
School District 36 (Surrey)	0	0	0	0	4	0	1	0	5	4	1
School District 38 (Richmond)	0	1	0	0	0	0	0	0	0	0	0
School District 39 (Vancouver)	1	0	2	0	3	0	0	0	5	5	0
School District 40 (New Westminster)	0	0	0	0	1	0	0	0	1	1	2
School District 42 (Maple Ridge-Pitt Meadows)	0	0	0	0	1	0	0	0	1	1	0
School District 43 (Coquitlam)	0	0	1	0	0	0	0	0	1	1	0
School District 44 (North Vancouver)	1	0	0	0	2	0	1	0	3	2	4
School District 45 (West Vancouver)	0	0	0	0	0	0	0	0	0	0	1
School District 46 (Sunshine Coast)	0	0	0	0	0	0	0	0	0	0	1
School District 47 (Powell River)	0	0	0	0	1	0	0	0	1	1	0
School District 48 (Howe Sound)	1	0	0	0	1	0	0	0	1	1	0
School District 49 (Central Coast)	0	0	1	0	0	0	0	0	1	1	0
School District 50 (Haida Gwaii/Queen Charlotte)	0	0	0	0	1	0	0	0	1	1	0
School District 51 (Boundary)	1	0	1	0	1	1	1	0	4	2	0
School District 53 (Okanagan Similkameen)	0	0	0	0	0	0	0	0	0	0	1
School District 54 (Bulkley Valley)	0	0	1	0	1	0	0	0	2	2	0

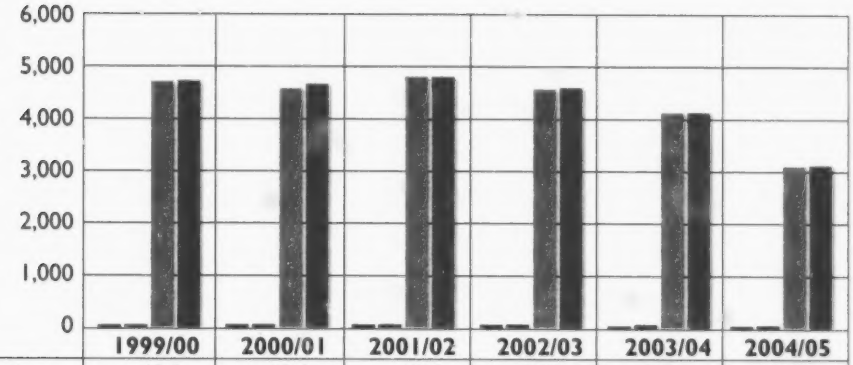
Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
School District 57 (Prince George)	0	0	0	0	0	0	0	0	0	0	1
School District 58 (Nicola-Similkameen)	0	0	1	0	0	0	0	0	1	1	0
School District 59 (Peace River South)	0	0	1	0	0	0	0	0	1	1	0
School District 60 (Peace River North)	0	0	1	0	1	0	0	0	2	2	1
School District 61 (Greater Victoria)	1	1	1	0	1	1	2	0	5	3	0
School District 62 (Sooke)	0	0	2	0	1	0	0	0	3	3	0
School District 64 (Gulf Islands)	0	0	0	0	0	0	0	0	0	0	1
School District 67 (Okanagan Skaha)	1	0	1	0	2	0	0	0	3	3	0
School District 68 (Nanaimo-Ladysmith)	0	0	2	0	1	0	0	0	3	3	0
School District 69 (Qualicum)	0	0	2	0	0	0	0	0	2	2	3
School District 70 (Alberni)	1	0	0	0	1	0	0	0	1	1	2
School District 71 (Comox Valley)	0	0	2	0	0	0	0	0	2	2	0
School District 72 (Campbell River)	0	0	0	0	2	0	0	0	2	2	0
School District 73 (Kamloops/Thompson)	0	0	2	0	0	0	0	0	2	2	0
School District 75 (Mission)	0	0	0	0	1	0	0	0	1	1	2
School District 78 (Fraser-Cascade)	0	0	0	0	1	0	1	0	2	1	0
School District 79 (Cowichan Valley)	0	0	1	0	0	0	0	0	1	1	1
School District 82 (Coast Mountains)	0	0	0	0	0	1	0	0	1	1	0
School District 83 (North Okanagan-Shuswap)	0	0	0	0	1	0	0	0	1	1	0
School District 85 (Vancouver Island North)	1	0	0	0	1	0	0	0	1	1	0
School District 87 (Stikine)	1	0	0	0	0	1	0	0	1	1	0
School District 91 (Nechako Lakes)	0	0	0	0	1	0	0	0	1	1	0
Universities	2	0	7	1	9	0	1	0	18	18	7
Simon Fraser University	1	0	1	0	1	0	0	0	2	2	1
University of British Columbia	0	0	2	1	7	0	0	0	10	10	4
University of Northern BC	0	0	1	0	1	0	0	0	2	2	0
University of Victoria	1	0	3	0	0	0	1	0	4	4	2
Colleges	8	0	15	0	16	8	3	0	42	40	11
BC Institute of Technology	0	0	2	0	2	0	0	0	4	4	2
Camosun College	0	0	0	0	1	0	0	0	1	1	0
Capilano College	2	0	2	0	1	1	1	0	5	5	0
College of the Rockies	0	0	1	0	0	0	0	0	1	1	0
Douglas College	2	0	0	0	2	0	0	0	2	2	1
Justice Institute of BC	0	0	0	0	0	2	1	0	3	1	0
Kwantlen University College	0	0	1	0	0	0	0	0	1	1	1
Langara College	3	0	0	0	2	0	0	0	2	2	3
Malaspina College	0	0	1	0	0	0	0	0	1	1	0
North Island College	0	0	3	0	2	0	0	0	5	5	0
Northwest Community College	0	0	1	0	2	5	0	0	8	8	0
Okanagan University College	0	0	1	0	1	0	0	0	2	2	3
Open Learning Agency	0	0	1	0	0	0	0	0	1	1	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Selkirk College	0	0	2	0	0	0	0	0	2	2	0
University College of the Cariboo	0	0	0	0	2	0	0	0	2	2	0
University College of the Fraser Valley	0	0	0	0	0	0	0	0	0	0	1
Vancouver Community College	1	0	0	0	1	0	1	0	2	2	0
Professional Associations	4	88	46	60	7	0	1	0	114	114	0
Association of Professional Engineers & Geoscientists	0	0	0	1	0	0	0	0	1	1	0
BC College of Chiropractors	0	0	0	1	0	0	0	0	1	1	0
BC Veterinary Medical Association	0	1	1	3	0	0	0	0	4	4	0
Certified General Accountants Association of BC	0	0	0	1	0	0	0	0	1	1	0
College of Dental Surgeons of BC	0	5	1	2	0	0	0	0	3	3	0
College of Denturists of BC	0	0	0	1	0	0	0	0	1	1	0
College of Licensed Practical Nurses of BC	0	0	0	2	0	0	0	0	2	2	0
College of Midwives of BC	0	0	0	2	0	0	0	0	2	2	0
College of Naturopathic Physicians of BC	0	0	0	1	0	0	0	0	1	1	0
College of Occupational Therapists of BC	0	0	1	0	0	0	0	0	1	1	0
College of Pharmacists of BC	0	2	0	1	0	0	0	0	1	1	0
College of Physical Therapists of BC	0	0	1	0	0	0	0	0	1	1	0
College of Physicians and Surgeons of BC	0	42	18	6	1	0	0	0	25	25	0
College of Psychologists of BC	2	3	2	2	3	0	0	0	7	7	0
College of Teachers	0	1	2	4	1	0	0	0	7	7	0
College of Traditional Chinese Medicine & Acupuncturists of BC	1	0	0	2	1	0	0	0	3	3	0
Cosmetologists Association of BC	0	0	0	1	0	0	0	0	1	1	0
Institute of Chartered Accountants of BC	0	0	0	1	0	0	0	0	1	1	0
Law Society of British Columbia	1	32	18	27	0	0	0	0	45	45	0
Real Estate Council	0	2	2	0	1	0	1	0	4	4	0
Registered Nurses Association of BC	0	0	0	2	0	0	0	0	2	2	0
Health Authorities	18	11	102	6	89	5	17	0	219	214	39
Fraser	1	1	29	2	19	0	3	0	53	53	9
Interior	5	5	18	0	19	1	6	0	44	39	8
Northern	1	0	7	0	2	2	1	0	12	12	3
Vancouver Coastal	2	2	21	2	18	0	3	0	44	44	4
Vancouver Island	8	3	18	0	18	1	4	0	41	41	9
Provincial Health Services	1	0	9	2	13	1	0	0	25	25	6
BC Cancer Agency	0	0	0	0	0	0	0	0	0	0	0
Forensic Psychiatric Services Commission	0	0	7	2	10	0	0	0	19	19	5
Riverview Hospital	1	0	0	0	1	0	0	0	1	1	1
Provincial Health Services Authority - General	0	0	2	0	2	1	0	0	5	5	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2004	Requests for Information in 2004	Files Closed in 2004								**Files Open as of Dec 31 2004
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Jurisdictional Totals	275	1608	1351	646	2367	296	256	1	4917	4805	455
Non-Jurisdictional Totals	1	1512	10	452	4	0	0	0	466	466	0
Grand Totals for 2004	276	3120	1361	1098	2371	296	256	1	5383	5271	455

* For investigation files, the number of files closed is no longer the same as the number of closings. Starting in July 2003, we began closing each issue, or matter of administration identified on a file, separately. Each investigation file has one or many matters of administration. Therefore the number of matters closed during a period may be greater than the number of files.
** Includes files in holding queue.

BUDGET SUMMARY ($'000)



	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
Actual Capital Expenditure	48.0	52.0	59.0	58.0	27.0	30.5
Capital Budget	54.0	54.0	59.0	59.0	62.0	65.0
Actual Operating Expenditure	4,663.0	4,530.0	4,750.6	4,516.0	4,086.0	3,093.0
Operating Budget	4,663 0	4,610.0	4,765.0	4,548.0	4,086.0	3,118.0
FTEs	50	50	50	50	38	30

Notes: The operating budget for 1999/00 includes $8,000 accessed from contingencies to adjust for an inadequate allocation for amortization expenditures.

The operating budget for 2003/04 includes $36,000 accessed from contingencies to assist with adjustments to leave liability.

The operating budget for 2004/05 includes $20,000 provided in supplementary estimates.

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